

**Pleas in law and main arguments**

*Community trade mark concerned:* A figurative mark representing a tractor in red, black and grey for goods in class 12 — application No 3 944 139

*Decision of the examiner:* Refusal of the application

*Decision of the Board of Appeal:* Dismissal of the appeal

*Pleas in law:* Infringement of Article 7(1)(b) and (3) of Council Regulation No 40/94 as the figurative mark applied for had acquired distinctive character through use.

*Mark or sign cited:* The community and national word mark 'Aygill's' for goods in classes 3, 6, 8, 9, 11, 14, 16, 18, 20, 21, 24, 25, 26, 27 and 28

*Decision of the Opposition Division:* Opposition upheld in its entirety

*Decision of the Board of Appeal:* Annulment of the Opposition Division's decision and rejection of the opposition in its entirety

*Pleas in law:* Infringement of Article 8(1)(b) of Council Regulation No 40/94

**Action brought on 4 October 2007 — Peek & Cloppenburg v OHIM — Redfil (Agile)**

(Case T-386/07)

(2007/C 297/89)

*Language in which the application was lodged:* English

**Parties**

*Applicant:* Peek & Cloppenburg (KG) (Hamburg, Germany) (represented by: T. Dolde, A. Renck and V. von Bomhard, lawyers)

*Defendant:* Office for Harmonisation in the Internal Market (Trade Marks and Designs)

*Other party to the proceedings before the Board of Appeal:* Redfil SL (Barcelona, Spain)

**Form of order sought**

- Annul the decision of the First Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) of 26 July 2007 in Case No R 1324/2006-2; and
- order that the costs of the proceedings be borne by the defendant.

**Pleas in law and main arguments**

*Applicant for the Community trade mark:* Redfil SL

*Community trade mark concerned:* The figurative mark 'Agile' for goods in classes 18, 25 and 28 — application No 2 659 456

*Proprietor of the mark or sign cited in the opposition proceedings:* The applicant

**Action brought on 11 October 2007 — Portuguese Republic v Commission**

(Case T-387/07)

(2007/C 297/90)

*Language of the case:* Portuguese

**Parties**

*Applicant:* Portuguese Republic (Lisbon, Portugal) (represented by: L. Inês Fernandes, S. Rodrigues and A. Gattini, Agents)

*Defendant:* Commission of the European Communities

**Form of order sought**

- annulment of Article 1 of Commission Decision C(2007) 3772 of 31 July 2007 reducing the assistance granted by the European Regional Development Fund for the global grant 'SGAIA' (global grant for local development) pursuant to Decision C(95) 1769 of the European Commission of 28 July 1995;
- an order that the Commission of the European Communities should pay the costs.

**Pleas in law and main arguments**

Lack of clarity in the statement of reasons. With the expression 'as shown above', the defendant makes a generic reference to the analysis summarily carried out and reconstructed in the contested decision. In Chapter 6, 'Conclusions', the defendant does not clearly identify what are the laws or provisions infringed by the Portuguese Republic.