

2. Orders OHIM to pay its own costs and those incurred by the applicant;

3. Orders the intervener to bear its own costs.

(¹) OJ C 22, 28.1.2006.

Judgment of the Court of First Instance of 8 November 2007 — MPDV Mikrolab v OHIM (manufacturing score card)

(Case T-459/05) (¹)

(Community trade mark — Community trade mark application in respect of manufacturing score card word mark — Absolute grounds for refusal — Descriptiveness — Lack of distinctive character — Article 7(1)(b) and (c) of Regulation (EC) No 40/94)

(2007/C 315/67)

Language of the case: German

Parties

Applicant: MPDV Mikrolab GmbH, Mikroprozessordatenverarbeitung und Mikroprozessorklabor (Mosbach, Germany) (represented by: W. Göpfert, lawyer)

Defendant: Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by: G. Schneider, Agent)

Re:

Action brought against the decision of the Second Board of Appeal of OHIM of 19 October 2005 (Case R 1059/2004-2) concerning an application for registration of the manufacturing score card word mark as a Community trade mark

Operative part of the judgment

The Court:

1. Dismisses the appeal;
2. Orders MPDV Mikrolab GmbH, Mikroprozessordatenverarbeitung und Mikroprozessorklabor to pay the costs.

(¹) OJ C 60 of 11.3.2006.

Judgment of the Court of First Instance of 6 November 2007 — RheinfelsQuellen H. Hövelmann v OHIM (VOM URSPRUNG HER VOLLKOMMEN)

(Case T-28/06) (¹)

(Community trade mark — Application for the Community word mark VOM URSPRUNG HER VOLLKOMMEN — Absolute grounds for refusal — Descriptive character — Article 7(1)(b) and 7(1)(c) of Regulation (EC) No 40/94)

(2007/C 315/68)

Language of the case: German

Parties

Applicant: RheinfelsQuellen H. Hövelmann GmbH & Co. KG, Duisburg, Germany, (represented by: W. Kellenter and A. Lambrecht, lawyers)

Defendant: Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by: G. Schneider, acting as Agent)

Re:

Appeal against the decision of the Second Board of Appeal of OHIM of 17 November 2005 (Case R 1179/2004-2) concerning an application for registration of the word mark VOM URSPRUNG HER VOLKOMMEN as a Community trade mark

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders RheinfelsQuellen H. Hövelmann GmbH & Co. KG to pay the costs.

(¹) OJ C 86, 8.4.2006.