

Re:

Annulment of Articles 29(1) and (2) and 36(3) of Council Directive 2005/85/EC of 1 December 2005 on minimum standards on procedures in Member States for granting and withdrawing refugee status (OJ 2005 L 326, p. 13)

Operative part of the judgment

The Court:

1. Annuls Articles 29(1) and (2) and 36(3) of Council Directive 2005/85/EC of 1 December 2005 on minimum standards on procedures in Member States for granting and withdrawing refugee status;
2. Orders the Council of the European Union to pay the costs;
3. Orders the French Republic and the Commission of the European Communities to bear their own costs.

⁽¹⁾ OJ C 108, 6.5.2006.

Judgment of the Court (First Chamber) of 8 May 2008 — Eurohypo AG v Office for Harmonisation in the Internal Market (Trade Marks and Designs)

(Case C-304/06 P) ⁽¹⁾

(Appeal — Community trade mark — Regulation (EC) No 40/94 — Article 7(1)(b) — Word mark EUROHYPO — Absolute ground for refusal of registration — Trade mark devoid of any distinctive character)

(2008/C 158/05)

Language of the case: German

Parties

Appellant: Eurohypo AG (represented by: C. Rohnke and M. Kloth, Rechtsanwälte)

Other party to the proceedings: Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by: G. Schneider and J. Weberndörfer, Agents)

Re:

Appeal against the judgment of the Court of First Instance (Third Chamber) of 3 May 2006 in Case T-439/04 *Eurohypo AG v OHIM* in which the Court of First Instance dismissed the action for annulment of the decision refusing to register the word mark EUROHYPO for services in Class 36 — Distinctive character of a mark which consists exclusively of signs or indica-

tions which may serve, in trade, to designate the characteristics of a service

Operative part of the judgment

The Court:

1. Sets aside the judgment of the Court of First Instance of the European Communities of 3 May 2006 in Case T-439/04 *Eurohypo v OHIM (EUROHYPO)*, inasmuch as the Court of First Instance of the European Communities held that the Fourth Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM) did not infringe Article 7(1)(b) of Council Regulation (EC) No 40/94 of 20 December 1993 on the Community trade mark, as amended by Council Regulation (EC) No 3288/94 of 22 December 1994, by refusing, in its decision of 6 August 2004 (Case R 829/2002-4), to register the term EUROHYPO as a Community trade mark for services in Class 36 of the Nice Agreement of 15 June 1957 concerning the International Classification of Goods and Services for the Purposes of the Registration of Marks, as revised and amended, corresponding to the following description: 'financial affairs; monetary affairs; real estate affairs; provision of financial services; financing ...';
2. Dismisses the action against the decision of the Fourth Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM) of 6 August 2004 (Case R 829/2002-4);
3. Orders Eurohypo AG to pay the costs of the proceedings at both instances.

⁽¹⁾ OJ C 224, 16.9.2006.

Judgment of the Court (Third Chamber) of 8 May 2008 (reference for a preliminary ruling from the Vestre Landsret, Denmark) — Danske Svineproducenter v Justitsministeriet

(Case C-491/06) ⁽¹⁾

(Directive 91/628/EEC — Protection of animals during transport — Implementation — Margin of discretion — Domestic animals of the porcine species — Journeys exceeding eight hours — Minimum height of each deck of the vehicle — Loading density)

(2008/C 158/06)

Language of the case: Danish

Referring court

Vestre Landsret