Information relating to the case

Applicant for the Community trade mark:	InterVideo Inc.
Community trade mark sought:	Figurative mark WindDVD Creator for goods in Class 9 — Application No 4106936
Decision of the Examiner:	Refusal of registration
Decision of the Board of Appeal:	Appeal dismissed

Operative part

The Court:

1. Dismisses the action;

2. Orders InterVideo Inc. to pay the costs.

Order of the Court of First Instance of 18 October 2007 — Ristic and Others v Commission

(Case T-238/07 R)

Interim measures — Application for stay of execution — Directive 96/23/EC — Lack of urgency — Balance of interests

1. *Applications for interim measures — Suspension of operation of a measure — Interim measures — Conditions for granting — Prima facie case — Urgency — Balancing of all the interests involved (Arts 242 EC and 243 EC; Rules of Procedure of the Court of First Instance, Art. 104(2)) (see paras 42, 43)*

2. *Applications for interim measures — Suspension of operation of a measure — Interim measures — Conditions for granting — Urgency — Serious and irreparable damage (Arts 242 EC and 243 EC; Rules of Procedure of the Court of First Instance, Art. 104(2)) (see paras 48-50)*

3. *Applications for interim measures — Suspension of operation of a measure — Interim measures — Conditions for granting — Balancing of all the interests involved — Meaning (Arts 242 EC and 243 EC) (see paras 72-74)*

Re:

APPLICATION for stay of execution of Commission Decision 2007/362/EC of 16 May 2007 amending Decision 2004/432/EC on the approval of residue monitoring plans submitted by third countries in accordance with Council Directive 96/23/EC (OJ 2007 L 138, p. 18).

Operative part

1. The application is dismissed;

2. Costs are reserved.

Judgment of the Court of First Instance (First Chamber) of 23 October 2007 — Borco-Marken-Import Matthiesen v OHIM (Caipi)

(Case T-405/04)

Community trade mark — Application for the Community word mark Caipi — Absolute ground for refusal — Descriptive character — Article 7(1)(b) and (c) of Regulation (EC) No 40/94

Community trade mark — Definition and acquisition of the Community trade mark — Absolute grounds for refusal — Marks composed exclusively of signs or indications which may serve to designate the characteristics of goods (Council Regulation No 40/94, Art. 7(1)(c)) (see paras 38, 39)