Judgment of the Court of First Instance (First Chamber) of 17 January 2007 — Georgia-Pacific v OHIM (Embossed motif)

(Case T-283/04)

Community trade mark — Three-dimensional mark — Embossed motif — Refusal of registration — Distinctiveness — Article 7(1)(b) of Regulation (EC) No 40/94

Community trade mark — Definition and acquisition of the Community trade mark — Absolute grounds for refusal — Marks devoid of any distinctive character (Council Regulation No 40/94, Art. 7(1)(b)) (see paras 52-56)

Re:

ACTION brought against the decision of the first Board of Appeal of OHIM of 11 May 2004 (Case R 493/2003-1) regarding registration of a three-dimensional mark consisting of an embossed motif.

Information relating to the case

Applicant for the Community trade mark:	Georgia-Pacific Sàrl
Community trade mark sought:	Three-dimensional mark in the form of a kitchen-paper motif for goods in Class 16 — Application No 2101277
Decision of the examiner:	Registration refused
Decision of the Board of Appeal:	Appeal dismissed

Operative part

The Court:

1. Dismisses the action;

2. Orders the applicant, Georgia-Pacific Sàrl, to pay the costs.

Order of the Court of First Instance (Fourth Chamber) of 17 January 2007 — Diy-Mar Insaat Sanayi ve Ticaret and Akar v Commission

(Case T-129/06)

Action for annulment — Essential procedural requirements — Natural and legal persons required to be represented by a lawyer entitled to practise before a court of a Member State — Application in proper form lodged out-of-time — Inadmissibility of the action

1. *Procedure — Application initiating proceedings — Formal requirements (Statute of the Court of Justice, Arts 19, third and fourth paras, 21, second para., and 53, first para.; Rules of Procedure of the Court of First Instance, Arts 43(1) and 44(3)) (see paras 25-30)*

2. *Procedure — Time-limit for instituting proceedings — Time barred — Excusable error — Definition (Statute of the Court of Justice, Art. 21, second para.; Rules of Procedure of the Court of First Instance, Art. 44(6)) (see paras 31-44)*

Re:

APPLICATION for, first, annulment of Decision MK/KS/DELTUR/(2005)/SecE/D/1614 of 23 December 2005 concerning the award of a public works contract for the construction of educational establishments in the Provinces of Siirt and Diyarbakir (EuropeAid/121601/C/W/TR) and, second, suspension of the award procedure in question.