Judgment of the Court of First Instance (Third Chamber) of 20 September 2007 — Fachvereinigung Mineralfaserindustrie v Commission

(Case T-254/05)

State Aid — Measures to promote the use of insulation material from renewable raw materials — Decision declaring aid compatible with the common market — Preliminary examination — Action for annulment — Professional association — Meaning of 'party concerned' in Article 88(2) EC — Pleas in law on validity of decision — Inadmissibility

1. *Actions for annulment — Natural or legal persons — Measures of direct and individual concern to them — Commission decision finding aid compatible with the common market without opening the formal investigation procedure (Arts 88(2) and (3) EC and 230, fourth para., EC) (see paras 30-36, 47)*

2. *Actions for annulment — Pleas in law — Interpretation by the court — Limits (Art. 230 EC) (see para. 48)*

Re:

ACTION for annulment of Commission Decision C(2005) 379 of 11 February 2005 relating to State Aid N 260b/2004 (Germany — Prolongation of the scheme to promote the use of insulation material from renewable raw materials).

Operative part

The Court:

1. Dismisses the application as inadmissible;

2. Orders Fachvereinigung Mineralfaserindustrie eV Deutsche Gruppe der Eurima — European Insulation Manufacturers Association to bear its own costs and to pay the costs of the Commission;

3. Orders the Federal Republic of Germany to bear its own costs.

Judgment of the Court of First Instance (Fifth Chamber) of 27 September 2007 — La Mer Technology v OHIM — Laboratoires Goëmar (LA MER)

(Case T-418/03)

Community trade mark — Opposition proceedings — Application for Community word mark LA MER — Earlier national word mark LABORATOIRE DE LA MER — Relative ground for refusal — Genuine use of the mark — Article 43(1) and (2) of Regulation (EC) No 40/94 — No likelihood of confusion — Article 8(1)(b) of Regulation No 40/94

Community trade mark — Definition and acquisition of the Community trade mark — Relative grounds for refusal — Opposition by the proprietor of an earlier identical or similar mark registered for identical or similar goods or services — Likelihood of confusion with the earlier mark (Council Regulation No 40/94, Art. 8(1)(b)) (see paras 114, 127, 129, 130)