Judgment of the Court of First Instance (Second Chamber) of 14 December 2005 — Regione autonoma della Sardegna v Commission

(Case T-200/04)

State aid — Measures on the part of the Italian authorities aimed at compensating for the damage caused by ovine catarrhal fever (blue tongue) — Guidelines concerning State aid in the agricultural sector

1. *State aid — Prohibitions — Exceptions — Aid to compensate for damage to agricultural production — Aid benefiting undertakings or activities in the processing sector and intended to compensate for damage caused by animal disease — Aid benefiting cheese-producing cooperatives — Excluded (Commission Communication 2000/C 28/02, para. 11) (see paras 46-49)*

2. *State aid — Investigation by the Commission — No observations from interested parties — No effect on the validity of the Commission's decision — Obligation to consider of its own motion information which has not been expressly invoked — No such obligation (Art. 88(2) EC) (see paras 50-58, 70)*

3. *State aid — Investigation by the Commission — Investigation of an aid scheme taken in its entirety — Whether permissible — Choice made by the Commission in the exercise of its wide discretion to prohibit an aid scheme rather than to approve a scheme subject to the imposition of possible review measures to be taken by the national authorities in each specific case — Unlawful interference by the Commission in the review measures laid down under the national law governing the application of the aid scheme in question — None (see paras 59-61)*

4. *State aid — Commission decision finding non-notified aid to be incompatible with the common market — Duty to state reasons — Information required (Art. 253 EC) (see paras 63-64)*

Re

APPLICATION for the annulment of Commission Decision C(2004) 471 final of 16 March 2004 concerning the aid scheme which Italy is planning to implement in favour of processing and marketing cooperatives in order to compensate the damage caused by ovine catarrhal fever (blue tongue) (Article 5 of Law No 22 of the Region of Sardinia of 17 November 2000)

Operative part

The Court:

1. Dismisses the application;

2. Orders the applicant to pay the costs.

Judgment of the Court of First Instance (Third Chamber) of 15 December 2005 — BIC v OHIM (Shape of an electronic lighter)

(Case T-263/04)

Community trade mark — Three-dimensional trade mark in the shape of an electronic lighter — Absolute ground for refusal — Distinctive character — Article 7 (1)(b) of Regulation (EC) No 40/94 — Distinctive character acquired through use — Article 7(3) of Regulation (EC) No 40/94

1. *Community trade mark — Definition and acquisition of the Community trade mark — Absolute grounds for refusal — Marks devoid of any distinctive*