Judgment of the Court of First Instance (Second Chamber) of 6 March 2007 — Golf USA v OHIM (GOLF USA)

(Case T-230/05)

Community trade mark — Application for a Community word mark GOLF USA — Absolute grounds for refusal — Descriptive character — Absence of distinctive character

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 — Marks devoid of any distinctive character (Council Regulation No 40/94, Art. 7(1)(c)) (see paras 32, 33, 45, 49, 50)

Re:

ACTION brought against the decision of the Second Board of Appeal of OHIM of 25 April 2005 (Case R 823/2004-2) refusing the application for registration of the word mark GOLF USA.

Information relating to the case

Applicant for the Community trade mark:	Golf USA, Inc.
Community trade mark sought:	Word mark GOLF USA for goods and services in classes 25, 28 and 35 — Application No 3073715
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 to pay the costs.

Order of the Court of First Instance (Fourth Chamber) of 12 March 2007 — Confcooperative, Unione regionale della Cooperazione Friuli-Venezia Giulia Federagricole and Others v Commission

(Case T-418/04)

Actions for annulment — Regulation (EC) No 1429/2004 — Agriculture — Common organisation of the wine market — System for using names of grape varieties or their synonyms — Temporal limitation of use — Legal persons — Individually concerned persons — Inadmissibility

Actions for annulment — Natural or legal persons — Measures of direct and individual concern to them (Arts 230, fourth para., EC and 249, second para., EC; Commission Regulation No 1429/2004, Annex I, point 103) (see para. 43-63)

Re:

APPLICATION for annulment of the provision limiting to 31 March 2007 the right to use the name 'Tocai friulano' referred to, in the form of an explanatory note, in item 103 of Annex I to Commission Regulation (EC) No 1429/2004 of 9 August 2004 amending Regulation (EC) No 753/2002 laying down certain rules for applying Council Regulation (EC) No 1493/1999 as regards the description, designation, presentation and protection of certain wine sector products (OJ 2004 L 263, p. 11).