Decision of the Board of Appeal:	Annulment of the decision of the Opposition Division and reference back to the Opposition Division for a new decision

Operative part

The Court:

1. Dismisses the action;

2. Orders the applicant to pay the costs.

Judgment of the Court of First Instance (Fifth Chamber) of 15 February 2007 — Indorata-Serviços e Gestão v OHIM (HAIRTRANSFER)

(Case T-204/04)

Community trade mark — Application for Community trade mark HAIRTRANSFER — Absolute grounds for refusal — Descriptive character — Article 7(1)(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 32-40)

Re:

APPEAL against the decision of the Second Board of Appeal of OHIM of 1 April 2004 (Case R 435/2003-2) concerning an application for registration of the word mark HAIRTRANSFER as a Community trade mark.

Information relating to the case

Applicant for the Community trade mark:	Indorata-Serviços e Gestão, L[da]
Community trade mark sought:	Word mark HAIRTRANSFER for goods in Classes 8, 22, 41 and 44 — Application No 2619039
Decision of the examiner:	Registration refused
Decision of the Board of Appeal:	Appeal dismissed

Operative part

The Court:

1. Dismisses the appeal;

2. Orders Indorata-Serviços e Gestão, L[da] to pay the costs.

Judgment of the Court of First Instance (Fourth Chamber) of 15 February 2007 — Bodegas Franco-Españolas v OHIM — Companhia Geral da Agricultura das Vinhas do Alto Douro (ROYAL)

(Case T-501/04)

Community trade mark — Opposition proceedings — Application for the Community word mark ROYAL — Earlier Community word mark ROYAL FEITORIA — Relative ground for refusal — No likelihood of confusion — Article 8(1)(b) of Regulation (EC) 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 (Council Regulation No 40/94, Art. 8(1)(b)) (see paras 52, 53)