Operative part

The Court:

1. Dismisses the action;

2. Orders NV Marly SA to pay the costs.

Judgment of the Court of First Instance (First Chamber) of 8 November 2007 — MPDV Mikrolab v OHIM (manufacturing score card)

(Case T-459/05)

Community trade mark — Community trade mark application in respect of manufacturing score card word mark — Absolute grounds for refusal — Descriptiveness — Lack of distinctive character — Article 7(1)(b) and (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 capable of serving to designate the characteristics of a product (Council Regulation No 40/94, Art. 7(1)(c)) (see paras 25, 26)

Re:

ACTION brought against the decision of the Second Board of Appeal of OHIM of 19 October 2005 (Case R 1059/2004-2) concerning an application for registration of the manufacturing score card word mark as a Community trade mark.

Information relating to the case

Applicant for the Community trade mark:	MPDV Mikrolab GmbH, Mikroprozessordatenverarbeitung und Mikroprozessorlabor
Community trade mark sought:	Word mark manufacturing score card for goods and services in Classes 9, 35 and 42 — Application No 3334596
Decision of the Examiner:	Refusal of registration
Decision of the Board of Appeal:	Appeal dismissed

Operative part

The Court:

1. Dismisses the action;

2. Orders MPDV Mikrolab GmbH, Mikroprozessordatenverarbeitung und Mikroprozessorlabor to pay the costs.

Judgment of the Court of First Instance (Third Chamber) of 8 November 2007 — Charlott v OHIM — Charlo (Charlott France Entre Luxe et Tradition)

(Case T-169/06)

Community trade mark — Opposition proceedings — Application for figurative Community trade mark Charlott France Entre Luxe et Tradition — Earlier figurative national mark Charlot — Genuine use of the earlier mark — Article 43(2) and (3) of Regulation (EC) No 40/94

Community trade mark — Observations of third parties and opposition — Examination of the opposition — Proof of use of the earlier mark (Council Regulation No 40/94, Art. 43(2) and (3) (see paras 37, 64)