3. *Applications for interim measures — Suspension of operation of a measure — Interim measures — Conditions for granting — Balancing of all the interests involved — Meaning (Arts 242 EC and 243 EC) (see paras 72-74)*

Re:

APPLICATION for stay of execution of Commission Decision 2007/362/EC of 16 May 2007 amending Decision 2004/432/EC on the approval of residue monitoring plans submitted by third countries in accordance with Council Directive 96/23/EC (OJ 2007 L 138, p. 18).

Operative part

1. The application is dismissed;

2. Costs are reserved.

Judgment of the Court of First Instance (First Chamber) of 23 October 2007 — Borco-Marken-Import Matthiesen v OHIM (Caipi)

(Case T-405/04)

Community trade mark — Application for the Community word mark Caipi — Absolute ground for refusal — Descriptive 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 which may serve to designate the characteristics of goods (Council Regulation No 40/94, Art. 7(1)(c)) (see paras 38, 39)

Re:

ACTION brought against the decision of the Second Board of Appeal of OHIM of 6 August 2004 (Case R 912/2002-2) concerning the application for registration as a Community trade mark of the word sign Caipi.

Information relating to the case

Applicant for the Community trade mark:	Borco-Marken-Import Matthiesen GmbH & Co. KG
Community trade mark sought:	Word mark Caipi for products in Class 33 — Application No 2655667
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 the applicant to pay the costs.

Judgment of the Court of First Instance (Single Judge) of 23 October 2007 — Commission v Impetus

(Case T-138/05)

Arbitration clause — Framework programmes for activities in the field of research and technological development — Contracts concerning projects in the field of telematics applications of common interest — Lack of supporting documentation and failure of part of the declared expenditure to comply with the contractual provisions — Repayment of sums paid