

6. *State aid — Not allowed — Exceptions — Aid which may be considered compatible with the common market — Environmental aid (Arts 6 EC, 87(3)(c) EC and 174(1) EC) (see paras 138-143, 148, 152)*

Re:

APPLICATION for annulment of Commission Decision C(2003) 1473 final of 9 July 2003 declaring the measures which the German authorities propose to take to promote the use of insulating materials produced from renewable raw materials compatible with the common market (State aid No 694/2002).

Operative part

The Court:

1. Dismisses the action;
2. Orders Fachvereinigung Mineralfaserindustrie eV Deutsche Gruppe der Eurima — European Insulation Manufacturers Association to bear its own costs as well as those incurred by the Commission;
3. Orders the Federal Republic of Germany to bear its own costs.

**Judgment of the Court of First Instance (Third Chamber)
of 20 September 2007 — Imagination Technologies v OHIM (PURE DIGITAL)
(Case T-461/04)**

Community trade mark — Application for the Community word mark PURE DIGITAL — Absolute grounds for refusal — Article 7(1)(b) and (c) of Regulation (EC) No 40/94 — Distinctive character acquired through use — Article 7(3) of Regulation 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 — Marks devoid of any distinctive character (Council Regulation No 40/94, Art. 7(1)(b) and (c)) (see paras 36, 37, 54)

Re:

APPLICATION for annulment of the decision of the Second Board of Appeal of OHIM of 16 September 2004 (Case R 108/2004-2), concerning an application for the registration of the word mark PURE DIGITAL as a Community trade mark.

Information relating to the case

Applicant for the Community trade mark:	Imagination Technologies Ltd
Community trade mark sought:	Word mark PURE DIGITAL for goods and services in classes 9 and 38 — Application No 2396075
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.