

Re

ACTION for annulment of, first, Article 2 of Council Regulation (EC) No 2580/2001 of 27 December 2001 on specific restrictive measures directed against certain persons and entities with a view to combating terrorism (OJ 2001 L 344, p. 70) and, secondly, Article 1 of Council Decision 2004/306/EC of 2 April 2004 implementing Article 2(3) of Regulation No 2580/2001 and repealing Decision 2003/902/EC (OJ 2004 L 99, p. 28) and all decisions adopted by the Council on the basis of Regulation No 2580/2001 and having the same effect as Decision 2004/306, in so far as those measures apply to the applicant.

Operative part

The Court:

1. Dismisses the action as manifestly inadmissible;
2. Orders the applicant to pay the costs.

Judgment of the Court of First Instance (Second Chamber) of 30 November 2005 — Almdudler-Limonade v OHIM (Shape of a lemonade bottle)

(Case T-12/04)

Community trade mark — Three-dimensional mark — Shape of a lemonade bottle
— Refusal to register — Article 7(1)(b) of Regulation (EC) No 40/94

Community trade mark — Definition and acquisition of the Community trade mark — Absolute grounds for refusal — Marks devoid of any distinctive character — Three-dimensional mark — Shape of a lemonade bottle (Council Regulation No 40/94, Art. 7(1)(b)) (see para. 36)

Re

ACTION brought against the decision of the Second Chamber of the Board of Appeal of OHIM of 5 November 2003 (Case R 490/2003-2) in relation to the registration of a three-dimensional mark in the shape of a lemonade bottle.

Information relating to the case

Applicant for the Community trade mark:	Almdudler-Limonade A. & S. Klein
Community trade mark applied for:	Three-dimensional mark in the shape of a lemonade bottle — Application No 2193753
Decision of the examiner:	Refusal to register
Decision of the Board of Appeal:	Dismissal of the action

Operative part

The Court:

1. Dismisses the application;
2. Orders the applicant to pay the costs.