

Judgment of the Court of First Instance of 23 October 2008 — Adobe v OHIM (FLEX)

(Case T-158/06) ⁽¹⁾

(Community trade mark — Application for the Community word mark FLEX — Absolute ground for refusal — Descriptive character — Article 7(1)(c) of Regulation (EC) No 40/94)

(2008/C 313/52)

Language of the case: English

Parties

Applicant: Adobe Systems Inc. (San Jose, California, United States) (represented by: M. Graf and F. Wesel, lawyers)

Defendant: Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by: P. Bullock, D. Botis and G. Schneider, Agents)

Re:

Action for annulment of the decision of the Second Board of Appeal of OHIM of 11 April 2006 (Case R 1430/2005-2) concerning registration of the Community trade mark FLEX No 3 795 011.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Adobe Systems Inc. to pay the costs.

⁽¹⁾ OJ C 190, 12.8.2006.

Judgment of the Court of First Instance of 15 October 2008 — Rewe-Zentrale v OHIM (PORT LOUIS)

(Case T-230/06) ⁽¹⁾

(Community trade mark — Application for the Community word mark PORT LOUIS — Absolute grounds for refusal — Descriptive character — Designation of the geographical origin of the goods — Article 7(1)(c) of Regulation (EC) No 40/94)

(2008/C 313/53)

Language of the case: German

Parties

Applicant: Rewe-Zentrale AG (Cologne, Germany) (represented by: M. Kinkeldey and A. Bognár, lawyers)

Defendant: Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by: G. Schneider, agent)

Re:

Action brought against the decision of the First Board of Appeal of OHIM of 21 June 2006 (Case R 25/2006-1) concerning an application to register the word mark PORT LOUIS as a Community trade mark.

Operative part of the judgment

The Court:

1. annuls the decision of the First Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM) of 21 June 2006 (Case R 25/2006-1);
2. orders OHIM to pay the costs.

⁽¹⁾ OJ C 261 of 28.10.2006.

Judgment of the Court of First Instance of 15 October 2008 — Air Products and Chemicals v OHIM — Messer (Ferromix, Inomix and Alumix)

(Joined Cases T-305/06 to T-307/06) ⁽¹⁾

(Community trade mark — Opposition proceedings — Applications for the Community word marks Ferromix, Inomix and Alumix — Earlier Community word marks FERROMAXX, INOMAXX and ALUMAXX — Relative ground for refusal — Likelihood of confusion — Article 8(1)(b) of Regulation (EC) No 40/94)

(2008/C 313/54)

Language of the case: English

Parties

Applicant: Air Products and Chemicals, Inc. (Allentown, Pennsylvania, United States) (represented by: S. Heurung and C. Probst, lawyers)

Defendant: Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by: S. Laitinen and D. Botis, acting as Agents)

Other party to the proceedings before the Board of Appeal of OHIM, intervener before the Court of First Instance: Messer Group GmbH (Sulzbach, Germany) (represented by: W. Graf v. Schwerin and J. Schmidt, lawyers)

Re:

Actions brought against three decisions of the Second Board of Appeal of OHIM of 12 September 2006 (Joined Cases R 1270/2005-2 and R 1408/2005-2; R 1226/2005-2 and R 1398/2005-2; R 1225/2005-2 and R 1397/2005-2), concerning opposition proceedings between Air Products and Chemicals, Inc. and Messer Group GmbH.

Operative part of the judgment

The Court:

1. Annuls the decisions of the Second Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM) of 12 September 2006 (Joined Cases R 1270/2005-2 and R 1408/2005-2; R 1226/2005-2 and R 1398/2005-2; R 1225/2005-2 and R 1397/2005-2);
2. Orders OHIM to bear its own costs and pay the costs of Air Products and Chemicals, Inc.;
3. Orders Messer Group GmbH to bear its own costs.

(¹) OJ C 326, 30.12.2006.

Judgment of the Court of First Instance of 21 October 2008 — Aventis Pharma v OHIM — Nycomed (Prazol)

(Case T-95/07) (¹)

(Community trade mark — Opposition proceedings — Application for the Community word mark PRAZOL — Earlier national word mark PREZAL — Relative ground for refusal — Likelihood of confusion — Article 8(1)(b) of Regulation (EC) No 40/94)

(2008/C 313/55)

Language of the case: English

Parties

Applicant: Aventis Pharma SA (Antony, France) (represented by: R. Gilbey, lawyer)

Defendant: Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented initially by S. Laitinen, and subsequently by Ó. Mondéjar Ortuño, acting as Agents)

Other party to the proceedings before the Board of Appeal of OHIM, intervener before the Court of First Instance: Nycomed GmbH, formerly Altana Pharma AG (Konstanz, Germany) (represented by: A. Ferchland, lawyer)

Re:

Action brought against the decision of the Fourth Board of Appeal of OHIM of 8 February 2007 (Case R 302/2005-4), relating to opposition proceedings between Altana Pharma AG and Aventis Pharma SA.

Operative part of the judgment

The Court:

1. Annuls the decision of the Fourth Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM) of 8 February 2007 (Case R 302/2005-4);
2. Orders OHIM to bear its own costs and to pay those incurred by Aventis Pharma SA;
3. Orders Nycomed GmbH to bear its own costs.

(¹) OJ C 117, 26.5.2007.

Judgment of the Court of First Instance of 23 October 2008 — People's Mojahedin Organization of Iran v Council

(Case T-256/07) (¹)

(Common foreign and security policy — Restrictive measures directed against certain persons and entities with a view to combating terrorism — Freezing of funds — Actions for annulment — Rights of the defence — Statement of reasons — Judicial review)

(2008/C 313/56)

Language of the case: English

Parties

Applicant: People's Mojahedin Organization of Iran (Auvers sur Oise, France) (represented by: J.-P. Spitzer, lawyer, and D. Vaughan QC)

Defendant: Council of the European Union (represented by: M. Bishop and E. Finnegan, Agents)