

Operative part of the judgment

The Court:

1. Annuls the decision of the Second Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM) of 20 December 2006 (Case R 1135/2006 2);
2. Orders OHIM to pay the costs.

(¹) OJ C 95, 28.4.2007.

Judgment of the Court of First Instance of 26 November 2008 — Avon Products OHIM (ANEW ALTERNATIVE)

(Case T-184/07) (¹)

(Community trade mark — Application for the Community word mark ANEW ALTERNATIVE — Absolute ground for refusal — Lack of distinctive character — Article 7(1)(b) of Regulation (EC) No 40/94)

(2009/C 19/50)

Language of the case: English

Parties

Applicant: Avon Products, Inc. (New York, New York, United States) (represented by: C. Heitmann-Lichtenstein and U. Stelzenmüller, lawyers)

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

Re:

ACTION brought against the decision of the Second Board of Appeal of OHIM of 22 March 2007 (Case R 1471/2006 2), concerning an application for registration as a Community trade mark of the word mark ANEW ALTERNATIVE.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Avon Products, Inc. to pay the costs.

(¹) OJ C 170, 21.7.2007.

Order of the Court of First Instance of 2 December 2008 — Harman International Industries v OHIM — Becker (Barbara Becker)

(Case T-212/07) (¹)

(Community trade mark — Opposition proceedings — Application for the Community word mark Barbara Becker — Earlier Community word mark BECKER — Relative ground for refusal — Likelihood of confusion — Similarity of the signs — Article 8(1)(b) of Regulation (EC) No 40/94)

(2009/C 19/51)

Language of the case: English

Parties

Applicant: Harman International Industries, Inc. (Northridge, California, United States) (represented by: M. Vanhegan, Barrister)

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

Other party to the proceedings before the Board of Appeal of OHIM intervening before the Court of First Instance: Barbara Becker (Miami, Florida, United States) (represented by: P. Baronikians, lawyer)

Re:

Action brought against the decision of the First Board of Appeal of OHIM of 7 March 2007 (Case R 502/2006-1) relating to opposition proceedings between Harman International Industries, Inc. and Barbara Becker.

Operative part of the order

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 7 March 2007 (Case R 502/2006-1);
2. Dismisses as inadmissible the application of Harman International Industries, Inc., requesting that the application for registration of Barbara Becker as a Community trade mark be rejected;
3. Orders OHIM to bear its own costs and pay the costs of Harman International Industries;
4. Orders Barbara Becker to bear her own costs.

(¹) OJ C 183, 4.8.2007.