

Defendant: Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by: A. Folliard-Monguiral, acting as Agent)

Other party to the proceedings before the Board of Appeal of OHIM, intervening before the Court of First Instance: Spa Monopole, compagnie fermière de Spa SA/NV (Spa, Belgium) (represented by: E. Cornu, L. De Brouwer and D. Moreau, lawyers)

Re:

Action brought against the decision of the Fourth Board of Appeal of OHIM of 24 January 2007 (Case R 468/2005-4), concerning opposition proceedings between Spa Monopole, compagnie fermière de Spa SA/NV and L'Oréal SA.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders L'Oréal SA to pay the costs.

⁽¹⁾ OJ C 140, 23.6.2007.

Judgment of the Court of First Instance of 25 March 2009 — Anheuser-Busch v OHIM — Budějovický Budvar (BUDWEISER)

(Case T-191/07) ⁽¹⁾

(Community trade mark — Opposition proceedings — Application for Community word mark BUDWEISER — Earlier international word and figurative marks BUDWEISER and Budweiser Budvar — Relative grounds for refusal — Article 8(1)(a) and (b) of Regulation (EC) No 40/94 — Genuine use of the earlier trade mark — Article 43(2) and (3) of Regulation No 40/94 — Infringement of rights of defence — Statement of reasons — Article 73 of Regulation No 40/94 — Late submission of documents — Discretion granted by Article 74(2) of Regulation No 40/94)

(2009/C 113/69)

Language of the case: English

Parties

Applicant: Anheuser-Busch, Inc. (Saint Louis, Missouri, United States) (represented by: V. von Bomhard and A. Renck, lawyers)

Defendant: Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by: A. Folliard-Monguiral, acting as Agent)

Other party to the proceedings before the Board of Appeal of OHIM, intervening before the Court of First Instance: Budějovický Budvar, národní podnik (České Budějovice, Czech Republic) (represented by: K. Čermák, lawyer)

Re:

Action brought against the decision of the Second Board of Appeal of OHIM of 20 March 2007 (Case R 299/2006-2) relating to opposition proceedings between Budějovický Budvar, národní podnik and Anheuser-Busch, Inc.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Anheuser-Busch, Inc. to bear, in addition to its own costs, the costs of OHIM and Budějovický Budvar, národní podnik.

⁽¹⁾ OJ C 183, 4.8.2007.

Judgment of the Court of First Instance of 25 March 2009 — allsafe Jungfalk v OHIM (ALLSAFE)

(Case T-343/07) ⁽¹⁾

(Community trade mark — Application for the Community word mark ALLSAFE — Absolute grounds for refusal of registration — Absence of distinctive character — Descriptive character — Article 7(1)(b) and (c) of Regulation (EC) No 40/94)

(2009/C 113/70)

Language of the case: German

Parties

Applicant: allsafe Jungfalk GmbH & Co. KG (Engen, Germany) (represented by: P. Mes, J. Bühling, C. Graf von der Groeben, G. Rother, A. Verhauwen, J. Künzel, D. Jestaedt and M. Bergermann, lawyers)

Defendants: Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by: S. Schäffner, Agent)

Re:

Action brought against the decision of the Fourth Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM) of 11 July 2007 (Case R 454/2006-4) concerning the registration of the word sign ALLSAFE as a community trade mark.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders allsafe Jungfalk GmbH & Co. KG to pay the costs.

⁽¹⁾ OJ C 269, 10.11.2007.