Judgment of the Court of First Instance of 16 November 2006 — Lichtwer Pharma AG v OHIM — Laboratoire Lafon (Lyco-A)

(Case T-32/04) [1]

(Community trade mark — Opposition proceedings — Application for Community word mark Lyco-A — Admissibility of the appeal before the Board of Appeal — Cost of proceedings — Apportionment)

(2006/C 326/117)

Language of the case: German

Parties

Applicant: Lichtwer Pharma AG (Berlin, Germany) (represented by: H. Kunz-Hallstein and R. Kunz-Hallstein, lawyers)

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

Other party to the proceedings before the Board of Appeal of OHIM: Laboratoire L. Lafon SA (Maisons-Alfort, France)

Re:

Action brought against the decision of the Fourth Board of Appeal of OHIM of 13 November 2003 (Case R 1007/2002-4) insofar as that decision rules on the apportionment of the costs incurred in the opposition and appeal proceedings

Operative part of the judgment

The Court:

1. *Annuls paragraph 2 of the operative part of the decision of 13 November 2003 of the Fourth Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM) (Case R 1007/2002-4);*

2. *Orders OHIM to pay the costs.*

[1] OJ C 106, 30.4.2004.

Judgment of the Court of First Instance of 16 November 2006 — Peróxidos Orgánicos v Commission

(Case T-120/04) [1]

(Competition — Agreements, decisions and concerted practices — Organic peroxides — Fines — Article 81 EC — Regulation (EEC) No 2988/74 — Limitation period — Duration of the infringement — Apportionment of the burden of proof — Equal treatment)

(2006/C 326/118)

Language of the case: English

Parties

Applicant: Peróxidos Orgánicos, SA (San Cugat del Vallés, Spain) (represented by: A. Creus Carreras and B. Uriarte Valiente, lawyers)

Defendant: Commission of the European Communities (represented by: A. Bouquet and F. Castillo de la Torre, Agents)

Re:

Application for annulment of Commission Decision 2005/349/EC of 10 December 2003 relating to a proceeding under Article 81 of the EC Treaty and Article 53 of the EEA Agreement (Case COMP/E-2/37.857 — Organic Peroxides) (OJ 2005 L 110, p. 44).

Operative part of the judgment

The Court:

1. *Dismisses the action;*

2. *Orders the applicant to pay the costs.*

[1] OJ C 118, 30.4.2004.

Judgment of the Court of First Instance of 16 November 2006 — Jabones Pardo v OHIM — Quimi Romar (YUKI)

(Case T-278/04) [1]

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

(2006/C 326/119)

Language of the case: Spanish

Parties

Applicant: Jabones Pardo, SA (Madrid, Spain) (represented by: initially J. Astiz Suárez, then A. Tarí Lázaro, lawyers)