

JUDGMENT OF THE COURT OF FIRST INSTANCE

of 30 June 2004

in Case T-317/01: M+M Gesellschaft für Unternehmensberatung und Informationssysteme mbH v Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM) ⁽¹⁾

(Community trade mark — Opposition proceedings — Application for verbal mark ‘M+M EUROdATA’ — Earlier verbal mark EURODATA TV — Relative grounds for refusal — Likelihood of confusion — Article 8(1)(b) of Regulation (EC) No 40/94)

(2004/C 239/32)

(Language of the case: French)

In Case T-317/01: M+M Gesellschaft für Unternehmensberatung und Informationssysteme mbH, established in Frankfurt am Main (Germany), represented by M. Treis, lawyer, against Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM) (Agents: S. Laitinen and U. Pflegar), the other party to the proceedings before the Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) being Mediametrie SA, established in Paris (France), represented originally by D. Dupuis-Latour and then by S. Szilvasi, lawyers — action brought against the decision of the First Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) of 2 October 2001 in Case R 698/2000-1 concerning opposition proceedings between Mediametrie SA and M+M Gesellschaft für Unternehmensberatung und Informationssysteme mbH — the Court of First Instance (Second Chamber), composed of J. Pirrung, President, A.W.H. Meij and N.J. Forwood, Judges; D. Christensen, Administrator, for the Registrar, has given a judgment on 30 June 2004, in which it:

1. *Annuls the decision of the First Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) of 2 October 2001 in Case R 698/2000-1, save in so far as it referred the case back to the Opposition Division for the latter to act on the application for a trade mark in respect of the goods and services covered by that application and falling within Classes 9, 16 and 42;*
2. *Orders the Office for Harmonisation in the Internal Market (Trade Marks and Designs) to pay the applicant's costs;*
3. *Orders the intervener to bear its own costs.*

⁽¹⁾ OJ C 56 of 2.3.2002.

JUDGMENT OF THE COURT OF FIRST INSTANCE

of 8 July 2004

in Case T-334/01: MFE Marienfelde GmbH v Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM) ⁽¹⁾

(Community trade mark — Opposition proceedings — Earlier word mark HIPPOVIT — Application for Community word mark HIPOVITON — Genuine use of the earlier trade mark — Article 43(2) and (3) of Regulation (EC) No 40/94 — Right to be heard)

(2004/C 239/33)

(Language of the case: German)

In Case T-334/01: MFE Marienfelde GmbH, established in Hamburg (Germany), represented by S. Rojahn and S. Freytag, lawyers, against Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM) (Agents: E. Joly and G. Schneider), the other party to the proceedings before the OHIM Board of Appeal, intervening before the Court of First Instance, being Vétoquinol AG, formerly Chassot AG, established in Bern (Switzerland), represented by A. Kockläuner, lawyer — action brought against the decision of the Fourth Board of Appeal of OHIM of 26 September 2001 (Case R 578/2000-4), relating to opposition proceedings between MFE Marienfelde GmbH and Vétoquinol AG — the Court of First Instance (Second Chamber), composed of N.J. Forwood, President, J. Pirrung and A.W.H. Meij, Judges; D. Christensen, administrator, for the Registrar, gave a judgment on 8 July 2004, in which it:

1. *Annuls the decision of the Fourth Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) of 26 September 2001 (Case R 578/2000-4);*
2. *Dismisses the remainder of the action;*
3. *Orders OHIM to bear its own costs and to pay those incurred by the applicant;*
4. *Orders the intervener to bear its own costs.*

⁽¹⁾ OJ C 68 of 16.3.2002.