

decision of the First Board of Appeal of OHIM of 30 May 2002 (Case R 314/1999-1), concerning an application for registration of the word mark TOP as a Community trade mark — the Court of First Instance (Fourth Chamber), composed of H. Legal, President, P. Mengozzi and I. Wiszniewska-Białecka, Judges; H. Jung, Registrar, gave a judgment on 13 July 2005, in which it:

1. Dismisses the action;
2. Orders the applicant to pay the costs.

(¹) OJ C 261 of 26.10.2002.

JUDGMENT OF THE COURT OF FIRST INSTANCE

of 13 July 2005

in Case T-40/03: Julián Murúa Entrena v Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM) (¹)

(Community trade mark — Application for figurative Community trade mark including the verbal element 'Julián Murúa Entrena' — Opposition by the proprietor of the Spanish and international word mark MURÚA — Refusal to register — Relative ground for refusal — Article 8(1)(b) of Regulation (EC) No 40/94 — Surname)

(2005/C 229/27)

(Language of the case: Spanish)

In Case T-40/03: Julián Murúa Entrena, residing in Elciego (Spain), represented by I. Temiño Ceniceros, lawyer, against Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM) (Agents: I. de Medrano Caballero and G. Schneider), the other party to the proceedings before the Board of Appeal of OHIM, intervener before the Court of First Instance, being Bodegas Murúa SA — action against the Decision of the Second Board of Appeal of OHIM of 9 December 2002 (Case R 599/1999-2) relating to opposition proceedings

between Bodegas Murúa SA and Julián Murúa Entrena — the Court of First Instance (Fourth Chamber), composed of H. Legal, President, P. Mengozzi and I. Wiszniewska-Białecka, Judges; J. Palacio González, Principal Administrator, for the Registrar, gave a judgment on 13 July 2005, in which it:

1. Dismisses the action;
2. Orders the applicant to pay the costs.

(¹) OJ C 101 of 26.4.2003.

JUDGMENT OF THE COURT OF FIRST INSTANCE

of 14 July 2005

in Case T-126/03 Reckitt Benckiser (España), SL v Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM) (¹)

(Community trade mark — Opposition proceedings — Likelihood of confusion — Proof of use of earlier mark — Application for Community word mark ALADIN — Earlier national word mark ALADDIN — Articles 8(1)(b) and 43(2) and (3) of Regulation (EC) No 40/94)

(2005/C 229/28)

(Language of the case: English)

In Case T-126/03: Reckitt Benckiser (España), SL, established in Barcelona (Spain), represented by M. Esteve Sanz, lawyer, against Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM) (Agents: A. von Mühlendahl, I. de Medrano Caballero and A. Folliard-Monguiral), the other party to the proceedings before the Board of Appeal of OHIM having been Aladin Gesellschaft für innovative mikrobiologische Systeme GmbH, established in Luckenwalde (Germany) — action brought against the decision of the First Board of Appeal of OHIM of 31 January 2003 (Case R 389/2002-1), relating to opposition proceedings between Reckitt Benckiser