

**Order of the Court of First Instance of 19 September 2005
— Air Bourbon v Commission**

(Case T-321/04) ⁽¹⁾

(State aid — Decision to raise no objections — Action for annulment — Time-limit for bringing an action — Publication of a summary notice — Not admissible)

(2005/C 330/56)

Language of the case: French

Parties

Applicant(s): Air Bourbon SAS (Sainte-Marie, island of Réunion, France) (represented by: S. Vaisse, lawyer)

Defendant(s): Commission of the European Communities (represented by: C. Giolito and J. Buendía Sierra, Agents)

Application for

annulment of the Commission Decision (C(2003) 4708 final) of 16 December 2003 to raise no objections against aid N 427/2003 granted by the French authorities to Air Austral

Operative part of the Order

1. *The action is dismissed as inadmissible;*
2. *There is no need to adjudicate on Air Austral's application for leave to intervene;*
3. *The applicant is ordered to pay the costs.*

⁽¹⁾ OJ C 262, 23.10.2004.

Action brought on 26 September 2005 — Anheuser-Busch/OHIM

(Case T-366/05)

(2005/C 330/57)

Language in which the application was lodged: English

Parties

Applicant(s): Anheuser-Busch, Inc. (St. Louis, USA) [represented by: V. von Bomhard, A. Renck, A. Pohlmann, G. Burkhart, lawyers]

Defendant: Office for Harmonisation in the Internal Market (Trade Marks and Designs)

Other party/parties to the proceedings before the Board of Appeal: Budějovický Budvar, národní podnik (České Budějovice, Czech Republic)

Form of order sought

— Partially annul the decision of the Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) of 11 July 2005 (Case R 514/2004-2), namely insofar as the application was rejected for goods in class 33, and

— Order that the costs of the proceedings be borne by the defendant.

Pleas in law and main arguments

Applicant for the Community trade mark: The applicant

Community trade mark concerned: The word mark 'BUDWEISER' for goods in classes 32 and 33 — application No 1 603 489

Proprietor of the mark or sign cited in the opposition proceedings: Budějovický Budvar, národní podnik

Mark or sign cited: The international figurative marks and word mark 'BUDWEISER' and 'BUDWEISER BUDVAR' for goods in classes 31 and 32

Decision of the Opposition Division: Opposition upheld for all the contested goods

Decision of the Board of Appeal: Dismissal of the appeal

Pleas in law: Infringement of Article 8(1)(b) of Council Regulation No 40/94 as there is no likelihood of confusion between the conflicting marks. The goods are sufficiently dissimilar to exclude any confusion on the part of the consumer.

Action brought on 19 October 2005 — I.R.I.P.A. Abruzzo v Commission

(Case T-384/05)

(2005/C 330/58)

Language of the case: Italian

Parties

Applicant(s): Istituto Regionale per gli Interventi Promozionali in Agricoltura (Regional Institute for the Promotion of Agriculture) — I.R.I.P.A. Abruzzo (Pescara, Italy) (represented by: Gianluca Belotti, Nicola Pisani and Emanuele Dell' Elce, lawyers)

Defendant(s): Commission of the European Communities