

COURT OF FIRST INSTANCE

Judgment of the Court of First Instance of 7 February 2006 — Alecansan v OHIM(Case T-202/03) ⁽¹⁾

(Community trade mark — Opposition proceedings — Application for the figurative Community trade mark COMP USA — Earlier national figurative mark COMP USA — Lack of similarity of the goods and services — Rejection of the opposition — Article 8(1)(b) of Regulation (EC) No 40/94)

(2006/C 86/46)

Language of the case: English

Parties

Applicant: Alecansan, SL (Madrid, Spain) (represented by: M. Baylos Morales, P. Merino Baylos, J. Arribas García, A. Velázquez Ibáñez and A. Angulo Lafora, lawyers)

Defendant: Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by: D. Botis and A. Folliard-Monguiral, Agents)

Other party or parties to the proceedings before the Board of Appeal of OHIM intervening before the Court of First Instance: CompUSA Management Co. (Dallas, United States) (represented by: P. Brownlow, Solicitor)

Action

brought against the decision of the First Board of Appeal of OHIM of 24 March 2003 (Case R 711/2002-1) relating to the opposition proceedings between Alecansan, SL, and CompUSA Management Co.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders the applicant to pay its own costs and those of the Office for Harmonisation in the Internal Market (Trade Marks and Designs);

3. Orders the intervener to pay its own costs.

⁽¹⁾ OJ C 184, 2.8.2003.**Judgment of the Court of First Instance (Fifth Chamber) of 31 January 2006 — Albrecht and Others v Commission**(Case T-251/03) ⁽¹⁾

(Health policy — Veterinary medicinal products — Products containing benzathine benzylpenicillin — Commission decision ordering suspension of marketing authorisations — Competence)

(2006/C 86/47)

Language of the case: English

Parties

Applicants: Albert Albrecht GmbH & Co. KG, (Aulendorf, Germany), AniMedica GmbH (Seden-Bösensell, Germany), Ceva Tiergesundheits GmbH (Düsseldorf, Germany), Fatro SpA (Bologna, Italy), Laboratorios Syva, SA (León, Spain), Laboratorios Virbac, SA (Barcelona, Spain), Química Farmacéutica Bayer, SA (Barcelona), Univete Técnica Pecuaria Comercio Industria, Lda (Lisbon, Portugal), Vétocinol Especialidades Veterinarias, SA (Madrid, Spain), Virbac SA (Carros, France), (represented by: D. Waelbroeck, U. Zinsmeister and N. Rampal, lawyers)

Defendant(s): Commission of the European Communities (represented by: H. Støvlbæk and M. Shotter, Agents)

Intervener(s) in support of the applicant(s): French Republic (represented by: G. de Bergues and R. Loosli-Surrans, Agents)

Application for

annulment of Commission Decision C(2003) 1404 of 22 April 2003 ordering suspension of the marketing authorisations of veterinary medicinal products containing benzathine benzylpenicillin intended to be administered by intramuscular and/or subcutaneous means to food-producing animals,