

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders the parties to bear their own costs.

(¹) OJ C 6, 8.1.2005.

Judgment of the Court of First Instance of 12 June 2007 — Assembled Investments (Proprietary) v OHIM — Waterford Wedgwood (WATERFORD STELLENBOSCH)

(Case T-105/05) (¹)

(Community trade mark — Opposition proceedings — Application for the figurative Community mark WATERFORD STELLENBOSCH — Earlier Community word mark WATERFORD — Relative ground for refusal — No likelihood of confusion — Absence of similarity between the goods — Absence of complementarity — Article 8(1)(b) of Regulation (EC) No 40/94)

(2007/C 170/41)

Language of the case: English

Parties

Applicant: Assembled Investments (Proprietary) Ltd (Stellenbosch, South Africa) (represented by: P. Hagmann and S. Ziegler, Lawyers)

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

Other party to the proceedings before the Board of Appeal of OHIM, intervener before the Court of First Instance: Waterford Wedgwood plc (Waterford, Ireland) (represented by: K. Manhaeve, Lawyer)

Re:

Action brought against the decision of the First Board of Appeal of OHIM of 15 December 2004 (Case R 240/2004-1) relating to opposition proceedings between Waterford Wedgwood and Assembled Investments (Proprietary) Ltd.

Operative part of the judgment

The Court:

1. Annuls the decision of the First Board of Appeal of OHIM of 15 December 2004 (Case R 240/2004-1);

2. Orders the Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM) and Waterford Wedgwood plc to pay, in addition to their own costs, the costs incurred by the applicant.

(¹) OJ C 115, 14.5.2005.

Judgment of the Court of First Instance of 13 June 2007 — Grether v OHIM — Crisgo (FENNEL)

(Case T-167/05) (¹)

(Community trade mark — Opposition proceedings — Application for the figurative Community trade mark FENNEL — Earlier Community word mark FENJAL — Relative ground for refusal — No likelihood of confusion — Article 8(1)(b), Article 73, second sentence, and Article 74(1) of Regulation (EC) No 40/94)

(2007/C 170/42)

Language of the case: English

Parties

Applicant: Grether AG (Binningen, Switzerland) (represented by: initially, V. von Bomhard, A. Pohlmann and A. Renck, and subsequently, V. von Bomhard, A. Pohlmann and T. Dolde, lawyers)

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

Other party to the proceedings before the Board of Appeal of OHIM intervening before the Court of First Instance: Crisgo (Thailand) Co. Ltd (Samutsakom, Thailand) (represented by: A. Bensoussan, M. Haas and L. Tellier-Loniewski, lawyers)

Re:

Action brought against the decision of the Fourth Chamber of the Board of Appeal of OHIM of 14 October 2004 (Case R 250/2002-4) concerning opposition proceedings between Grether AG and Crisgo (Thailand) Co. Ltd.

Operative part of the judgment

The Court:

1. dismisses the action;
2. orders the applicant to pay the costs.

(¹) OJ C 182, 23.7.2005.