

**Judgment of the Court of First Instance of 11 July 2007 —
Flex Equipos de Descanso, SA v OHIM — Leggett & Platt
(LURA-FLEX)**

(Case T-192/04) ⁽¹⁾

(Community trade mark — Opposition proceedings — Application for Community word mark LURA-FLEX — Earlier national figurative marks containing the word element ‘flex’ — Submission to the Opposition Division out of time of translations of documents provided in support of the reputation of earlier marks — Obligation on the Board of Appeal to assess the need to take account of the documents translated)

(2007/C 199/59)

Language of the case: English

Parties

Applicant: Flex Equipos de Descanso, SA (Madrid (Spain) (represented by: initially by R. Ocquet, and subsequently, I. Valdelomar Serrano, lawyers)

Defendant: Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by: S. Laitinen and G. Schneider)

Other party to the proceedings before the Board of Appeal of OHIM intervening before the Court of First Instance: Leggett & Platt, Inc., (Carthage, Missouri, United States) (represented by: G. Cronin and S. Castley, Solicitors, and G. Hollingworth, Barrister)

Re:

Action brought against the decision of the First Board of Appeal of OHIM of 18 March 2004 (Case R 333/2003-1) relating to opposition proceedings between Flex Equipos de Descanso, SA and Leggett & Platt, Inc.

Operative part of the judgment

The Court:

1. Annuls the decision of the First Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM) of 18 March 2004 (Case R 333/2003-1);
2. Orders OHIM to bear its own costs and to pay those incurred by the applicant;
3. Orders the intervener to bear its own costs.

⁽¹⁾ OJ C 217, 28.8.2004.

**Judgment of the Court of First Instance of 11 July 2007 —
Sweden v Commission**

(Case T-229/04) ⁽¹⁾

(Directive 91/414/EEC — Plant protection products — Active substance paraquat — Authorisation to place products on the market — Authorisation procedure — Protection of human and animal health)

(2007/C 199/60)

Language of the case: Swedish

Parties

Applicant: Kingdom of Sweden (represented by: A. Kruse, Agent)

Defendant: Commission of the European Communities (represented by: L. Ström van Lier and B. Doherty, Agents)

Interveners in support of the applicant: Kingdom of Denmark (represented by: J. Molde, A. Jacobsen and J. Bering Liisberg, Agents); Republic of Austria (represented by E. Riedl, Agent); and Republic of Finland (represented by T. Pynnä and E. Bygglin, Agents)

Re:

Annulment of Commission Directive 2003/112/EC of 1 December 2003 amending Council Directive 91/414/EEC to include paraquat as an active substance (OJ 2003 L 321, p. 32)

Operative part of the judgment

The Court:

1. Annuls Commission Directive 2003/112/EC of 1 December 2003 amending Council Directive 91/414/EEC to include paraquat as an active substance;
2. Orders the Commission to pay the costs incurred by the Kingdom of Sweden and to bear its own costs;
3. Orders the Kingdom of Denmark, the Republic of Austria and the Republic of Finland to bear their own costs.

⁽¹⁾ OJ C 106, 30.4.2004 (formerly Case C-102/04).