

Judgment of the Court of First Instance of 12 September 2007 — Koipe v OHIM — Aceites del Sur (La Española)(Case T-363/04) ⁽¹⁾

(Community trade mark — Application for Community figurative mark ‘La Española’ — Opposition by the proprietor of the national and Community figurative marks ‘Carbonell’ — Rejection of the opposition — Dominant elements — Similarity — Likelihood of confusion — Power to alter decisions)

(2007/C 247/43)

Language of the case: Spanish

Parties

Applicant: Koipe Corporación SL (San Sebastián, Spain) (represented by: M. Fernández de Béthencourt, lawyer)

Defendant: Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by: J. García Murillo, Agent)

Other party to the proceedings before the Board of Appeal of OHIM intervening before the Court of First Instance: Aceites del Sur SA (Seville, Spain) (represented by: C.L. Fernández-Palacios and R. Jiménez Díaz, lawyers)

Re:

Action against the decision of the Fourth Board of Appeal of OHIM of 11 May 2004 (R 1109/2000-4) relating to opposition proceedings between Koipe Corporación SL and Aceites del Sur SA

Operative part of the judgment

The Court:

1. Alters the decision of the Fourth Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM) of 11 May 2004 (Case R 1109/2000-4) so as to hold that the appeal brought by the applicant before the Board of Appeal is well founded and, consequently, that the opposition is to be upheld.
2. Orders OHIM and the intervener to pay the costs.

⁽¹⁾ OJ C 284, 20.11.2004.

Judgment of the Court of First Instance of 12 September 2007 — Commission v Trends(Case T-448/04) ⁽¹⁾

(Arbitration clause — Fourth Framework Programme for research, technological development and demonstration — Contracts involving projects in the field of telematics applications of common interest — Lack of supporting documents and non-compliance with the contractual requirements for part of the declared expenses — Reimbursement of the sums paid)

(2007/C 247/44)

Language of the case: Greek

Parties

Applicant: Commission of the European Communities (represented by: M. Patakia, Agent, and M. Bra, K. Kapoutzidou, S. Chatzigiannis, and then by K. Kapoutzidou and S. Chatzigiannis, lawyers)

Defendant: Transport Environment Development Systems (Trends) (Athens, Greece) (represented by: V. Christianos and V. Vlasi, lawyers)

Re:

Application by the Commission under an arbitration clause within the meaning of Article 238 EC seeking an order that Trends reimburse the Commission in the sum of EUR 48 046 plus contractual interest or, in the alternative, plus default interest.

Operative part of the judgment

1. The interlocutory application is dismissed;
2. Transport Environment Development Systems (Trends) is ordered to pay to the Commission the sum of Eur 48 046 plus default interest at the rate of 5,5 % per annum from 1 January 1999 until payment in full of the sum owed;
3. Trends is ordered to pay the costs.

⁽¹⁾ OJ C 184, 2.8.2003 (formerly Case C-248/03).