

## COURT OF FIRST INSTANCE

**Judgment of the Court of First Instance of 15 November 2007 — Sunplus Technology v OHIM — Sun Microsystems (SUN PLUS)**

(Case T-38/04) <sup>(1)</sup>

*(Community trade mark — Opposition proceedings — Application for figurative mark SUNPLUS — Earlier national word mark SUN — Likelihood of confusion — Similarity between goods — Similarity between marks)*

(2007/C 315/61)

Language of the case: English

### Parties

*Applicant:* Sunplus Technology Co. Ltd (Hsinchu, Taiwan) (represented by: H. Eichmann, G. Barth, U. Blumenröder, C. Niklas-Falter, M. Kinkeldey, K. Brandt, A. Franke, U. Stephani, B. Allekotte, E. Pfrang, K. Lochner, B. Ertle, C. Neuhierl and S. Prückner, 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:* Sun Microsystems, Inc. (Palo Alto, California, United States of America) (represented by: M. Graf, Lawyer)

### Re:

Action brought against the decision of the Fourth Board of Appeal of OHIM of 7 October 2003 (Case R 642/2000-4) relating to opposition proceedings between Sun Microsystems, Inc. and Sunplus Technology Co. Ltd.

### Operative part of the judgment

*The Court:*

1. Dismisses the action;
2. Orders Sunplus Technology Co. Ltd to pay the costs.

<sup>(1)</sup> OJ C 94, 17.4.2004.

**Judgment of the Court of First Instance of 8 November 2007 — Bavarian Lager v Commission**

(Case T-194/04) <sup>(1)</sup>

*(Access to documents — Regulation (EC) No 1049/2001 — Documents relating to proceedings for failure to fulfil obligations — Decision refusing access — Protection of physical persons in relation to processing of personal data — Regulation (EC) No 45/2001 — Concept of private life)*

(2007/C 315/62)

Language of the case: English

### Parties

*Applicant:* The Bavarian Lager Co. Ltd (Clitheroe, United Kingdom) (represented by: initially J. Pearson and C. Bright, and subsequently by J. Webber and M. Readings, solicitors)

*Defendant:* Commission of the European Communities (represented by: C. Docksey and P. Aalto, Agents)

*Intervener in support of the applicant:* European Data Protection Supervisor (EDPS), (represented by: H. Hijmans, Agent)

### Re:

Application for annulment of the Commission Decision of 18 March 2004 refusing an application by the applicant for full access to the minutes of a meeting held in connection with proceedings for failure to fulfil Treaty obligations and for a declaration that the Commission wrongly terminated the proceedings brought against the Government of the United Kingdom of Great Britain and Northern Ireland under Article 169 of the EC Treaty (now Article 226 EC)

### Operative part

*The Court:*

1. Annuls the Commission's decision of 18 March 2004, rejecting an application for access to the full minutes of the meeting of 11 October 1996, containing all the names;
2. Orders the Commission to pay the costs incurred by The Bavarian Lager Co. Ltd;
3. Orders the European Data Protection Supervisor (EDPS) to bear his own costs.

<sup>(1)</sup> OJ C 201, 7.8.2004.