

**Judgment of the Court of First Instance of 14 November 2007 — Castell del Remei v OHIM — Bodegas Roda (Castell del Remei ODA)**

(Case T-101/06) <sup>(1)</sup>

*(Community trade mark — Opposition proceedings — Application for figurative Community trade mark Castell del Remei ODA — Earlier international word mark RODA and earlier national trade marks RODA, RODA I, RODA II and BODEGAS RODA — Absolute ground for refusal — Likelihood of confusion — Article 8(1)(b) of Regulation (EC) No 40/94)*

(2007/C 315/71)

*Language of the case: Spanish*

**Parties**

*Applicant:* Castell del Remei SL (Castell del Remei, Spain) (represented by: F. de Visscher, E. Cornu, D. Moreau, J. Grau Mora, A. Angulo Lafora, M. Ferrándiz Avendaño, M. Baylos Morales and A. Velásquez Ibáñez, lawyers)

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

*Other party to the proceedings before the Board of Appeal of OHIM:* Bodegas Roda SA (La Rioja, Spain) (represented by: M. López Camba, B. García Peces and J. Grimau Muñoz, lawyers)

**Re:**

Action brought against the decision of the First Board of Appeal of OHIM of 17 January 2006 (Case R 263/2005-1) relating to opposition proceedings between Bodegas Roda SA and Castell del Remei SL.

**Operative part of the judgment**

*The Court:*

1. Dismisses the action.
2. Orders the applicant to pay the costs.

<sup>(1)</sup> OJ C 121 of 20.5.2006.

**Judgment of the Court of First Instance of 8 November 2007 — Charlott v OHIM — Charlo (Charlott France Entre Luxe et Tradition)**

(Case T-169/06) <sup>(1)</sup>

*(Community trade mark — Opposition proceedings — Application for figurative Community trade mark Charlott France Entre Luxe et Tradition — Earlier figurative national mark Charlot — Genuine use of the earlier mark — Article 43(2) and (3) of Regulation (EC) No 40/94)*

(2007/C 315/72)

*Language of the case: French*

**Parties**

*Applicant:* Charlott SARL (Chaponost, France) (represented by: L. Conrad, T. Parisot and L. Tremeaud, lawyers)

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

*Other party to the proceedings before the Board of Appeal of OHIM intervening before the Court of First Instance:* Charlo — Confeccções para Homens, Artigos de Lã e Outros SA.

**Re:**

Action brought against the decision of the Second Board of Appeal of OHIM of 24 April 2006 (Case R 223/205-2) concerning opposition proceedings between Charlo — Confeccções para Homens, Artigos de Lã e Outros SA and Charlott SARL.

**Operative part of the judgment**

*The Court:*

1. Dismisses the action;
2. Orders Charlott SARL to pay the costs, except those incurred by the intervener;
3. Orders Charlo — Confeccções para Homens, Artigos de Lã e Outros SA to bear its own costs.

<sup>(1)</sup> OJ C 212, 2.9.2006.