

Pleas in law: Breach of Article 8(1)(b) of Regulation (EC) No 40/94 ⁽¹⁾, since the marks in question differ phonetically, figuratively and conceptually, and the mark cited in opposition does not enjoy a particularly high degree of recognition and does not therefore possess a high level of distinctiveness.

⁽¹⁾ Council Regulation (EC) No 40/94 of 20 December 1993 on the Community trade mark (OJ 1994 L 11, p. 1).

Action brought on 11 December 2007 — Dylog Italia/OHIM — GSI Office Management (IP Manager)

(Case T-453/07)

(2008/C 37/52)

Language in which the application was lodged: English

Parties

Applicant: Dylog Italia SpA (Turin, Italy) (represented by: A. Ruo, lawyer)

Defendant: Office for Harmonisation in the Internal Market (Trade Marks and Designs)

Other party to the proceedings before the Board of Appeal: GSI Office Management GmbH (Planegg, Germany)

Form of order sought

- Annulment of the decision of 27 September 2007, of the First Board of Appeal R982/2005-4, in so far as the Board established that there was no likelihood of confusion in respect of all the services for which registration is sought in classes 35, 38 and the services in class 42 which were found similar to the goods covered by the earlier Italian mark; and subsidiarily
- annulment of the contested decision in so far as the Board established that there was no likelihood of confusion in respect of all the services in class 38 and the services in class 42 which were found similar to the goods covered by the earlier Italian mark;
- the Office for the Harmonisation in the Internal market (OHIM) be ordered to pay the applicant's costs in accordance with Article 87(2) of the rules of procedure of the Court of First Instance.

Pleas in law and main arguments

Applicant for the Community trade mark: GSI Office Management GmbH

Community trade mark concerned: The Community word mark 'IP MANAGER' for services in classes 35, 36, 38, 41 and 42 — application No 2 177 277

Proprietor of the mark or sign cited in the opposition proceedings: The applicant

Mark or sign cited: The earlier national and international word marks 'MANAGER' for goods in classes 9, 16, 35, 37, 39, 41 and 42 and the national word mark 'HOTEL MANAGER' for goods and services in classes 9 and 42

Decision of the Opposition Division: Rejected the opposition in its entirety

Decision of the Board of Appeal: Dismissed the appeal

Pleas in law: Infringement of Article 8 of Council Regulation (EC) No 40/94.

Order of the Court of First Instance of 12 December 2007 — Sandoz v Commission

(Case T-105/04) ⁽¹⁾

(2008/C 37/53)

Language of the case: English

The President of the Sixth Chamber has ordered that the case be removed from the register.

⁽¹⁾ OJ C 106, 30.4.2004.

Order of the Court of First Instance of 11 December 2007 — UPS Europe and UPS Deutschland v Commission

(Case T-329/07) ⁽¹⁾

(2008/C 37/54)

Language of the case: English

The President of the Court of First Instance (First Chamber) has ordered that the case be removed from the register.

⁽¹⁾ OJ C 247, 20.10.2007.