

**Re:**

Application for suspension of the operation of Commission Decision 2007/628/EC of 19 September 2007 concerning the non-inclusion of methomyl in Annex I to Council Directive 91/414/EEC and the withdrawal of authorisations for plant protection products containing that substance (OJ 2007 L 255, p. 40), until delivery of the judgment in the main proceedings

**Operative part of the order**

1. *The application for interim measures is dismissed.*
2. *Costs are reserved.*

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**Order of the President of the Court of First Instance of  
14 March 2008 — Buczek Automotive v Commission**

(Case T-1/08 R)

(Interim measures — Application for suspension of operation  
of a measure — Admissibility — No urgency)

(2008/C 116/38)

*Language of the case: Polish*

**Parties**

*Applicant:* Buczek Automotive sp. z o.o. (Sosnowiec, Poland) (represented initially by: T. Gackowski and subsequently by D. Szlachetko-Reiter, lawyers)

*Defendant:* Commission of the European Communities (represented by: K. Gross, M. Kaduczak and A. Stobiecka-Kuik, Agents)

**Re:**

Application for suspension of operation of Commission Decision C(2007) 5087 final of 23 October 2007 in Case No C 23/2006 (ex NN 35/2006) concerning State aid granted by Poland to the steel producer Grupa Technologicz Buczek

**Operative part of the order**

1. *The application is dismissed.*
  2. *Costs are reserved.*
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**Action brought on 5 February 2008 — British Sky  
Broadcasting Group v OHIM — Vortex (SKY)**

(Case T-66/08)

(2008/C 116/39)

*Language in which the application was lodged: English*

**Parties**

*Applicant:* British Sky Broadcasting Group plc (Isleworth, United Kingdom) (represented by: J. Barry, Solicitor)

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

*Other party to the proceedings before the Board of Appeal:* Vortex SA (Paris, France)

**Form of order sought**

— Order, on the basis that the First Board of Appeal has infringed Council Regulation (EC) No 40/94 and/or rules of law relating to its application, that:

- in the decision of the First Board of Appeal, while the ultimate conclusion of the First Board of Appeal to reject the opposition should not be disturbed, that part of the contested decision (in particular paragraphs 18 and 19 thereof) which reject the applicant's arguments relating to the Agreement, should be annulled;
- the contested decision be altered to hold that the Agreement; applies to trade marks other than the particular registrations identified in the Agreement and extends to future marks; precludes the opponent from opposing or objecting in any manner whatsoever to any use or registration by BSKyB of trade marks containing 'SKY' other than 'SKYROCK' and 'SKYZIN' both of which were as determined by the French courts; and is a final and binding settlement agreement between BSKyB and the opponent as determined by the French courts (including to the highest level in France);
- the contested decision be altered and revisited so as to deal with and address all of the grounds raised by BSKyB in its response to the opposition;
- OHIM pay the costs and fees of BSKyB.

**Pleas in law and main arguments**

*Applicant for the Community trade mark:* The applicant

*Community trade mark concerned:* The figurative mark 'SKY' for goods and services in classes 9, 16, 18, 25, 28, 35, 38, 41 and 42 — application No 3 166 378

*Proprietor of the mark or sign cited in the opposition proceedings:* Vortex SA

*Mark or sign cited:* The Community and national word marks 'SKYROCK' for goods and services classes 9, 16, 18, 25, 28, 35, 38, 41 and 42