

Judgment of the Court of First Instance of 26 June 2008 — SHS Polar Sistemas Informáticos v OHIM — Polaris Software Lab (POLARIS)

(Case T-79/07) ⁽¹⁾

(Community trade mark — Opposition proceedings — Application for the Community figurative mark POLARIS — Earlier Community word mark POLAR — Relative ground for refusal — No likelihood of confusion — Article 8(1)(b) of Regulation (EC) No 40/94)

(2008/C 197/39)

Language of the case: English

Parties

Applicant: SHS Polar Sistemas Informáticos SL (Madrid, Spain) (represented by: C. Hernández Hernández, lawyer)

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: Polaris Software Lab Ltd (Chennai, India)

Re:

Action brought against the decision of the Second Board of Appeal of OHIM of 8 January 2007 (Case R 658/2006-2) relating to opposition proceedings between SHS Polar Sistemas Informáticos SL and Polaris Software Lab Ltd.

Operative part of the judgment

The Court:

1. Dismisses the application;
2. Orders SHS Polar Sistemas Informáticos SL to pay the costs.

⁽¹⁾ OJ C 95, 28.4.2007.

Judgment of the Court of First Instance of 18 June 2008 — Sundholm v Commission

(Case T-164/07 P) ⁽¹⁾

(Appeal — Staff case — Officials — Career development report — 2003 appraisal procedure — Rights of the defence — Appeal inadmissible — Appeal unfounded)

(2008/C 197/40)

Language of the case: French

Parties

Appellant: Asa Sundholm (Brussels, Belgium) (represented by: S. Orlandi, A. Coolen, J.-N. Louis and E. Marchal, lawyers)

Other party to the proceedings: Commission of the European Communities (represented by: C. Berardis-Kayser and D. Martin, Agents, assisted by B. Wägenbauer, lawyer)

Re:

Appeal against the judgment of the European Union Civil Service Tribunal (Second Chamber) in Case F-30/05 *Sundholm v Commission*, not yet published in the ECR, seeking to have that judgment set aside.

Operative part of the judgment

The Court:

1. Dismisses the appeal;
2. Orders Asa Sundholm to bear her own costs and those incurred by the Commission in the present proceedings.

⁽¹⁾ OJ C 155, 7.7.2007.

Order of the Court of First Instance of 11 June 2008 — European Association of Im- and Exporters of Birds and live Animals and Others v Commission

(Case T-209/06) ⁽¹⁾

(Action for annulment — Admissibility — Fourth paragraph of Article 230 EC — Natural and legal persons — Associations — Decision 2006/522/EC — Individual concern — Animal health — Protection measures in relation to avian influenza)

(2008/C 197/41)

Language of the case: Dutch

Parties

Applicants: European Association of Im- and Exporters of Birds and live Animals (West Maas en Waal, Netherlands); Vereniging van Im- en Exporteurs van Vogels en Hobbydieren (West Maas en Waal, Netherlands); Willem Plomp, trading as Plomps Vogelhandel (Woerden, Netherlands); and Marinus Borgstein, trading as Borgstein Birds & Zoofood Trading (West Maas en Waal, Netherlands) (represented by: J. Wouters, lawyer)

Defendant: Commission of the European Communities (represented by: F. Erlbacher and M. van Heezik, Agents)

Re:

Application for annulment of Commission Decision 2006/522/EC of 25 July 2006 amending Decisions 2005/759/EC and 2005/760/EC as regards certain protection measures in relation to highly pathogenic avian influenza and movements of certain live birds into the Community (OJ 2006 L 205, p. 28).