

Judgment of the Court of First Instance of 17 September 2008 — FVB v OHIM

(Case T-10/07) ⁽¹⁾

(Community trade mark — Opposition proceedings — Application for Community word mark FVB — Earlier national word mark FVD — Relative grounds for refusal — Likelihood of confusion — Article 8(1)(b) of Regulation (EC) No 40/94)

(2008/C 285/68)

Language of the case: German

Parties

Applicant: FVB Gesellschaft für Finanz- und Versorgungsberatung mbH (Osnabrück, Germany) (represented by: P. Koehler, lawyer)

Defendant: Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by: B. Schmidt, acting as Agent)

Other party to the proceedings before the Board of Appeal of OHIM intervening before the Court of First Instance: FVD Gesellschaft für Finanzplanung und Vermögensberatung Deutschland mbH, formerly FVD Gesellschaft für Finanzplanung und Vorsorgemanagement Deutschland mbH (Hamburg, Germany) (represented: first by J. Mattes and P. Heigl, lawyers)

Re:

Action brought against the decision of the Fourth Board of Appeal of OHIM of 6 November 2006 (Case R 1343/2005-4), relating to opposition proceedings between FVD Gesellschaft für Finanzplanung und Vorsorgemanagement Deutschland mbH and FVB Gesellschaft für Finanz- und Versorgungsberatung mbH.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders FVB Gesellschaft für Finanz- und Versorgungsberatung mbH to pay the costs.

⁽¹⁾ OJ C 56, 10.3.2007.

Judgment of the Court of First Instance of 16 September 2008 — ratiopharm v OHIM (BioGeneriX)

(Case T-47/07) ⁽¹⁾

(Community trade mark — Application for Community word mark BioGeneriX — Absolute grounds for refusal — Descriptive character — Article 7(1)(c) of Regulation (EC) No 40/94)

(2008/C 285/69)

Language of the case: German

Parties

Applicant: ratiopharm GmbH (Ulm, Germany) (represented first by Rechtsanwalt S. Völker, and then by S. Völker and A. Schabenberger, lawyers)

Defendant: Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by: G. Schneider, acting as Agent)

Re:

Action brought against the decision of the Fourth Board of Appeal of OHIM of 20 December 2006 (Case R 1047/2004-4) concerning an application for registration of the word mark BioGeneriX as a Community trade mark

Operative part of the judgment

The Court:

1. Dismisses the action.
2. Orders ratiopharm GmbH to pay the costs.

⁽¹⁾ OJ C 82, 14.4.2007.

Judgment of the Court of First Instance of 16 September 2008 — ratiopharm v OHIM (BioGeneriX)

(Case T-48/07) ⁽¹⁾

(Community trade mark — Application for Community word mark BioGeneriX — Absolute ground for refusal — Partially descriptive character — Article 7(1)(b) and (c) of Regulation (EC) No 40/94)

(2008/C 285/70)

Language of the case: German

Parties

Applicant: ratiopharm GmbH (Ulm, Germany) (represented initially by S. Völker, then by S. Völker and A. Schabenberger, lawyers)