

Re:

Actions brought against three decisions of the Second Board of Appeal of OHIM of 12 September 2006 (Joined Cases R 1270/2005-2 and R 1408/2005-2; R 1226/2005-2 and R 1398/2005-2; R 1225/2005-2 and R 1397/2005-2), concerning opposition proceedings between Air Products and Chemicals, Inc. and Messer Group GmbH.

Operative part of the judgment

The Court:

1. Annuls the decisions of the Second Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM) of 12 September 2006 (Joined Cases R 1270/2005-2 and R 1408/2005-2; R 1226/2005-2 and R 1398/2005-2; R 1225/2005-2 and R 1397/2005-2);
2. Orders OHIM to bear its own costs and pay the costs of Air Products and Chemicals, Inc.;
3. Orders Messer Group GmbH to bear its own costs.

(¹) OJ C 326, 30.12.2006.

Judgment of the Court of First Instance of 21 October 2008 — Aventis Pharma v OHIM — Nycomed (Prazol)

(Case T-95/07) (¹)

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

(2008/C 313/55)

Language of the case: English

Parties

Applicant: Aventis Pharma SA (Antony, France) (represented by: R. Gilbey, lawyer)

Defendant: Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented initially by S. Laitinen, and subsequently by Ó. Mondéjar Ortuño, acting as Agents)

Other party to the proceedings before the Board of Appeal of OHIM, intervener before the Court of First Instance: Nycomed GmbH, formerly Altana Pharma AG (Konstanz, Germany) (represented by: A. Ferchland, lawyer)

Re:

Action brought against the decision of the Fourth Board of Appeal of OHIM of 8 February 2007 (Case R 302/2005-4), relating to opposition proceedings between Altana Pharma AG and Aventis Pharma SA.

Operative part of the judgment

The Court:

1. Annuls the decision of the Fourth Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM) of 8 February 2007 (Case R 302/2005-4);
2. Orders OHIM to bear its own costs and to pay those incurred by Aventis Pharma SA;
3. Orders Nycomed GmbH to bear its own costs.

(¹) OJ C 117, 26.5.2007.

Judgment of the Court of First Instance of 23 October 2008 — People's Mojahedin Organization of Iran v Council

(Case T-256/07) (¹)

(Common foreign and security policy — Restrictive measures directed against certain persons and entities with a view to combating terrorism — Freezing of funds — Actions for annulment — Rights of the defence — Statement of reasons — Judicial review)

(2008/C 313/56)

Language of the case: English

Parties

Applicant: People's Mojahedin Organization of Iran (Auvers sur Oise, France) (represented by: J.-P. Spitzer, lawyer, and D. Vaughan QC)

Defendant: Council of the European Union (represented by: M. Bishop and E. Finnegan, Agents)