

**Judgment of the Court of First Instance of 2 December 2008 — Ebro Puleva v OHIM — Berenguel (BRILLO'S)**

(Case T-275/07) <sup>(1)</sup>

*(Community trade mark — Opposition proceedings — Application for Community word mark BRILLO'S — Earlier national figurative marks featuring the word element 'brillante' — Relative ground for refusal — Likelihood of confusion — Similarity of the signs — Article 8(1)(b) of Regulation (EC) No 40/94)*

(2009/C 19/52)

Language of the case: Spanish

**Parties**

*Applicant:* Ebro Puleva, SA (Madrid, Spain) (represented by: P. Casamitjana Leonart, lawyer)

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

*Other party to the proceedings before the Board of Appeal of OHIM intervening before the Court of First Instance:* Luis Berenguel, SL (El Barranquete-Níjar, Spain) (represented by: C. Hernández Hernández)

**Re:**

Action brought against the decision of the Second Board of Appeal of OHIM of 21 May 2007 (Case R 493/2006-2) concerning opposition proceedings between Ebro Puleva, SA and Luis Berenguel, SL.

**Operative part of the judgment**

*The Court:*

1. Dismisses the action;
2. Orders Ebro Puleva, SA to pay the costs.

<sup>(1)</sup> OJ C 235, 6.10.2007.

**Judgment of the Court of First Instance (First Chamber) of 26 November 2008 — OHIM v López Teruel**

(Case T-284/07 P) <sup>(1)</sup>

*(Appeal — Staff cases — Officials — Admissibility — Invalidity — Application for an Invalidity Committee to be convened — Circumscribed powers of the Appointing Authority)*

(2009/C 19/53)

Language of the case: French

**Parties**

*Appellant:* Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM) (represented by: I. de Medrano Caballero and E. Maurage, Agents)

*Other party to the proceedings:* Adelaida López Teruel (Guadalajara, Spain) (represented by: initially L. Levi and C. Ronzi, then L. Levi, lawyers)

**Re:**

Appeal against the judgment of the Civil Service Tribunal of the European Union (First Chamber) of 22 May 2007 in Case F-97/06 López Teruel v OHIM, not yet published in the ECR, asking for that judgment to be set aside.

**Operative part of the judgment**

*The Court:*

1. Dismisses the appeal;
2. Orders the Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM) to pay the costs.

<sup>(1)</sup> OJ C 211, 8.9.2007.

**Judgment of the Court of First Instance of 26 November 2008 — New Look v OHIM (NEW LOOK)**

(Case T-435/07) <sup>(1)</sup>

*(Community trade mark — Application for the Community word mark NEW LOOK — Absolute ground for refusal — Lack of distinctive character acquired through use — Article 7(3) of Regulation (EC) No 40/94)*

(2009/C 19/54)

Language of the case: English

**Parties**

*Applicant:* New Look Ltd (Weymouth, United Kingdom) (represented by: S. Malynicz, Barrister, and M. Blair and K. Gilbert, Solicitors)