

Order of the Court of First Instance of 9 December 2008 — Colgate-Palmolive v OHIM — CMS Hasche Sigle (VISIBLE WHITE)

(Case T-136/07) ⁽¹⁾

(Community trade mark — Invalidity proceedings — Community word mark VISIBLE WHITE — Absolute ground for refusal — Descriptive character — Article 7(1)(c) of Regulation (EC) No 40/94)

(2009/C 32/57)

Language of the case: English

Parties

Applicant: Colgate-Palmolive Co. (New York, New York, United States) (represented by: M. Zintler, H. Harmeling and K.-U. Plath, lawyers)

Defendant: Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by: A. Folliard-Monguiral, acting as Agent)

Other party to the proceedings before the Board of Appeal of OHIM: CMS Hasche Sigle (Cologne, Germany)

Re:

Action brought against the decision of the Fourth Board of Appeal of OHIM of 15 February 2007 (Case R 165/2005-4) relating to invalidity proceedings between CMS Hasche Sigle and Colgate-Palmolive Co.

Operative part of the order

The Court:

1. Dismisses the action;
2. Orders Colgate-Palmolive Co. to pay the costs.

⁽¹⁾ OJ C 140, 23.6.2007.

Judgment of the Court of First Instance of 10 December 2008 — MIP Metro v OHIM — Metronia (METRONIA)

(Case T-290/07) ⁽¹⁾

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

(2009/C 32/58)

Language of the case: English

Parties

Applicant: MIP Metro Group Intellectual Property GmbH & Co. KG (Düsseldorf, Germany) (represented by: J.-C. Plate, lawyer)

Defendant: Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by: A. Folliard-Monguiral, acting as Agent)

Other party to the proceedings before the Board of Appeal of OHIM, intervener before the Court of First Instance: Metronia, SA (Madrid, Spain) (represented by: J. Riera Blanco, lawyer)

Re:

Action brought against the decision of the Second Board of Appeal of OHIM of 29 May 2007 (Case R 1315/2006-2), relating to opposition proceedings between MIP Metro Group Intellectual Property GmbH & Co. KG and Metronia, SA.

Operative part of the judgment

The Court:

1. Annuls the decision of the Second Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM) of 29 May 2007 (Case R 1315/2006-2);
2. Orders OHIM to bear its own costs and to pay the costs incurred by MIP Metro Group Intellectual Property GmbH & Co. KG;
3. Orders Metronia SA to bear its own costs.

⁽¹⁾ OJ C 235, 6.10.2007.