

**Judgment of the Court of First Instance of 18 December 2008 — Torres v OHIM — Sociedad Cooperativa del Campo San Ginés (TORRE DE BENÍTEZ)**

(Case T-16/07) <sup>(1)</sup>

*(Community trade mark — Opposition procedure — Application for Community word mark TORRE DE BENÍTEZ — Earlier national, Community and international word and figurative marks evoking a number of towers — Relative ground for refusal — No likelihood of confusion)*

(2009/C 44/77)

Language of the case: Spanish

**Parties**

*Applicant:* Miguel Torres, SA (Vilafranca del Penedés, Spain) (represented by: E. Armijo Chávarri, M. Baz de San Ceferino and A. Castán Pérez-Gómez, lawyers)

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

*Other party to the proceedings before the Board of Appeal of OHIM intervening before the Court of First Instance:* Sociedad Cooperativa del Campo San Ginés (Cuenca, Spain) (represented by: C. Hernández Hernández, lawyer)

**Re:**

Action brought against the decision of the Second Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) of 6 November 2006 (Case R-36/2006-2) relating to opposition proceedings between Miguel Torres, SA and Sociedad Cooperativa del Campo San Ginés.

**Operative part of the judgment**

*The Court:*

1. Dismisses the action;
2. Orders Miguel Torres, SA to pay the costs.

<sup>(1)</sup> OJ C 82, 14.4.2007.

**Judgment of the Court of First Instance of 18 December 2008 — Belgium and Commission v Genette**

(Joined Cases T-90/07 P and T-99/07 P) <sup>(1)</sup>

*(Appeal — Staff cases — Officials — Pensions — Transfer of national pension rights — Decision refusing the withdrawal of a transfer application and the introduction of a new transfer application — Jurisdiction of the Civil Service Tribunal — Alteration of the subject-matter of the proceedings — Inadmissibility of the action at first instance)*

(2009/C 44/78)

Language of the case: French

**Parties**

*Appellants:* Kingdom of Belgium (represented by: L. Van den Broeck and C. Pochet, Agents, assisted by L. Markey, lawyer) and Commission of the European Communities (represented by V. Joris and D. Martin, Agents)

*Respondent:* Emmanuel Genette (Gorze, France) (represented by: M.-A. Lucas, lawyer)

**Re:**

Two appeals against the judgment of 16 January 2007 of the European Union Civil Service Tribunal (First Chamber) in Case F-92/05 *Genette v Commission* (not yet published in the ECR) seeking to have that judgment set aside

**Operative part of the judgment**

*The Court:*

1. Sets aside the judgment of 16 January 2007 of the European Union Civil Service Tribunal in Case F-92/05 *Genette v Commission*;
2. Dismisses as inadmissible Mr. Genette's action before the Civil Service Tribunal in Case F-92/05;
3. Orders Mr Genette to bear his own costs of the proceedings before the Civil Service Tribunal and the Court of First Instance;
4. Orders the Commission to bear its own costs of the proceedings before the Civil Service Tribunal and the Court of First Instance;
5. Orders the Kingdom of Belgium to bear its own costs of the proceedings before the Civil Service Tribunal and the Court of First Instance.

<sup>(1)</sup> OJ C 117, 29.5.2007.