

Judgment of the Court of First Instance of 1 July 2009 — Okalux v OHIM — Messe Düsseldorf (OKATECH)

(Case T-419/07) ⁽¹⁾

(Community trade mark — Forfeiture proceedings — Community word mark OKATECH — Partial revocation — Period allowed for appeal — Articles 57 and 77a of Regulation (EC) No 40/94 (now Articles 58 and 80 of Regulation (EC) No 207/2009) — Principles of protection of legitimate expectations and legal certainty — Right to a hearing)

(2009/C 193/29)

Language of the case: German

Parties

Applicant: Okalux GmbH (Marktheidenfeld, Germany) (represented by: M. Beckensträter, lawyer)

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

Other party to the proceedings before the Board of Appeal of OHIM intervening before the Court of First Instance: Messe Düsseldorf GmbH (Düsseldorf, Germany) (represented initially by: I. Friedhoff, and subsequently by: S. von Petersdorff-Campen, lawyers)

Re:

Action brought against the decision of the Second Board of Appeal of OHIM of 3 September 2007 (Case R 766/2007-2) concerning forfeiture proceedings between Messe Düsseldorf GmbH and Okalux GmbH.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Okalux GmbH to pay the costs.

⁽¹⁾ OJ C 8, 12.1.2008.

Judgment of the Court of First Instance of 30 June 2009 — CPEM v Commission of the European Communities

(Case T-444/07) ⁽¹⁾

(ESF — Cancellation of financial assistance — OLAF report)

(2009/C 193/30)

Language of the case: French

Parties

Applicant: Centre de promotion de l'emploi par la micro-entreprise (CPEM) (Marseilles, France) (represented by: C. Bonnefoi, lawyer)

Defendant: Commission of the European Communities (represented by: L. Flynn and A. Steiblytė, acting as Agents)

Re:

Application for annulment of Commission Decision C(2007) 4645 of 4 October 2007, cancelling the assistance granted by the European Social Fund (ESF) by Decision C(1999) 2645 of 17 August 1999, and also application for damages

Operative part of the judgment

The Court:

1. dismisses the action;
2. orders the Centre de promotion de l'emploi par la micro-entreprise (CPEM) to pay the costs, including those relating to the interim proceedings.

⁽¹⁾ OJ C 37, 9.2.2008.

Judgment of the Court of First Instance of 1 July 2009 — Perfetti Van Melle v OHIM — Cloetta Fazer (CENTER SHOCK)

(Case T-16/08) ⁽¹⁾

(Community trade mark — Invalidity proceedings — Community word mark CENTER SHOCK — Earlier national word marks CENTER — Relative ground for refusal — Likelihood of confusion — Article 8(1)(b) and Article 52(1)(a) of Regulation (EC) No 40/94 (now Article 8(1)(b) and Article 53(1)(a) of Regulation (EC) No 207/2009)

(2009/C 193/31)

Language of the case: English

Parties

Applicant: Perfetti Van Melle SpA (Lainate, Italy) (represented by: P. Perani and P. Pozzi, lawyers)

Defendant: Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by: J. Novais Gonçalves, Agent)

Other party to the proceedings before the Board of Appeal of OHIM intervening before the Court of First Instance: Cloetta Fazer AB (Ljungbro, Sweden) (represented by: J. Runsten and S. Sparring initially, and subsequently by M. Treis, lawyers)

Re:

Action brought against the decision of the Fourth Board of Appeal of OHIM of 7 November 2007 (Case R 149/2006-4), relating to invalidity proceedings between Cloetta Fazer AB and Perfetti Van Melle SpA.

Operative part of the judgment

The Court:

1. Dismisses the action;