

Operative part of the judgment

The Court:

1. Dismisses the action.
2. Orders Cheminova A/S, Cheminova Agro Italia Srl, Cheminova Bulgaria EOOD, Agrodan, SA and Lodi SAS to bear their own costs and to pay those incurred by the Commission, including those relating to the application for interim measures.

(¹) OJ C 247, 20.10.2007.

Judgment of the Court of First Instance of 15 September 2009 — Royal Appliance International v OHIM — BSH Bosch und Siemens Hausgeräte (Centrixx)

(Case T-446/07) (¹)

(Community trade mark — Opposition procedure — Application for Community word mark Centrixx — Earlier national word mark sensixx — Relative ground for refusal — Likelihood of confusion — Article 8(1)(b) of Regulation (EC) No 40/94 (now Article 8(1) of Regulation (EC) No 207/2009)

(2009/C 256/45)

Language of the case: German

Parties

Applicant: Royal Appliance International GmbH (Hilden, Germany) (represented by: K.-J. Michaeli and M. Schork, lawyers)

Defendant: Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by: S. Schäffner and B. Schmidt, Agents)

Other party to the proceedings before the Board of Appeal of OHIM intervening before the Court of First Instance: BSH Bosch und Siemens Hausgeräte GmbH (Munich, Germany) (represented by: S. Biagosch, lawyer)

Re:

Action brought against the decision of the Fourth Board of Appeal of OHIM of 3 October 2007 (Case R 572/2006-4) concerning opposition proceedings between BSH Bosch und Siemens Hausgeräte GmbH and Royal Appliance International GmbH.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Royal Appliance International GmbH to pay the costs.

(¹) OJ C 37, 9.2.2008.

Judgment of the Court of First Instance of 15 September 2009 — Wella v OHIM (TAME IT)

(Case T-471/07) (¹)

(Community trade mark — International registration — Request for territorial extension of protection — Word mark TAME IT — Absolute ground for refusal — Lack of distinctive character — Article 7(1)(b) of Regulation (EC) No 40/94 (now Article 7(1)(b) of Regulation (EC) No 207/2009)

(2009/C 256/46)

Language of the case: English

Parties

Applicant: Wella AG (Darmstadt, Germany) (represented by: B. Klingberg and K. Sandberg, lawyers)

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

Re:

Action brought against the decision of the Second Board of Appeal of OHIM of 24 October 2007 (Case R 713/2007-2), relating to a territorial extension, to the European Community, of the protection in respect of the international registration of the word mark TAME IT

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Wella AG to pay the costs.

(¹) OJ C 51, 23.2.2008.