

**Judgment of the Court of First Instance of 23 September 2009 — Dongguan Nanzha Leco Stationery v Council of the European Union**

(Case T-296/06) <sup>(1)</sup>

*(Dumping — Imports of lever arch mechanisms originating in China — Determination of the dumping margin — Market economy treatment — Comparison between the normal value and the export price — Application of a different method to that used during the initial investigation — Article 2(7)(a) and (10) of Regulation (EC) No 384/96)*

(2009/C 267/93)

Language of the case: English

**Parties**

*Applicant:* Dongguan Nanzha Leco Stationery Mfg. Co., Ltd (Dongguan, China) (represented by: A. Bentley, QC)

*Defendant:* Council of the European Union (represented by: J.-P. Hix, Agent, assisted by G. Berrisch, Lawyer)

*Interveners in support of the defendants:* Commission of the European Communities (represented by H. van Vliet and T. Scharf, Agents); IML Industria Meccanica Lombarda Srl (Offanengo, Italy); Interkov spol. s.r.o. (Bráník, Czech Republic); MI.ME.CA. Srl (Ricengo, Italy); and NIKO — kovinarsko podjetje, d.d. Železniki (Železniki, Slovenia) (represented by R. Bierwagen, Lawyer)

**Re:**

Application for partial annulment of Council Regulation (EC) No 1136/2006 of 24 July 2006 imposing a definitive anti-dumping duty and collecting definitively the provisional duty imposed on imports of lever arch mechanisms originating in the People's Republic of China (OJ 2006 L 205, p. 1), in so far as it applies to the applicant.

**Operative part of the judgment**

*The Court:*

1. Dismisses the action;
2. Orders Dongguan Nanzha Leco Stationery Mfg. Co., Ltd, to bear its own costs and to pay those incurred by the Council of the European Union, IML Industria Meccanica Lombarda Srl, Interkov spol. s r.o., MI.ME.CA. Srl and NIKO — kovinarsko podjetje, d.d. Železniki;

3. Orders the Commission of the European Communities to bear its own costs.

<sup>(1)</sup> OJ C 310, 16.12.2006.

**Judgment of the Court of First Instance of 23 September 2009 — Arcandor v OHIM — dm drogerie market (S-HE)**

(Case T-391/06) <sup>(1)</sup>

*(Community trade mark — Opposition proceedings — Application for the Community word mark S-HE — Earlier national word mark SHE, earlier national and international figurative trade mark She — Relative ground for refusal — No likelihood of confusion — Lack of similarity between the signs — Article 8(1)(b) of Regulation (EC) No 40/94 [now Article 8(1)(b) of Regulation (EC) No 207/2009]*

(2009/C 267/94)

Language of the case: German

**Parties**

*Applicant:* Arcandor AG, previously Karstadt Quelle AG (Essen, Germany) (represented by: V. von Bomhard, A. Renck and T. Dolde, lawyers)

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

*Other party to the proceedings before the Board of Appeal of OHIM intervening before the Court of First Instance:* dm drogerie market GmbH (Wals, Austria) (represented by: N. Dick and M. Dyck, lawyers)

**Re:**

Action brought against the decision of the First Board of Appeal of OHIM No R 301/2006-1 of 26 September 2006 concerning opposition proceedings between Karstadt Quelle AG and dm drogerie market GmbH.

**Operative part of the judgment**

*The Court:*

1. Dismisses the action.
2. Orders Arcandor AG, previously Karstadt Quelle AG to pay the costs.

<sup>(1)</sup> OJ C 42 of 24.2.2007.