

2. Annuls the decision of 2 June 2006 by which the reporting officer on appeal established Ms Asa Sundholm's career development report for the period from 1 July 2001 to 31 December 2002;
3. For the rest, dismisses the action brought at first instance;
4. Orders the Commission of the European Communities to pay the costs of the procedure before the Civil Service Tribunal and of the present instance.

(¹) OJ C 107, 26.4.2008.

Judgment of the Court of First Instance of 14 October 2009 — Ferrero v OHIM — Tirol Milch (TiMi KiNDERJOGHURT)

(Case T-140/08) (¹)

(Community trade mark — Invalidity proceedings — Community figurative trade mark TiMi KiNDERJOGHURT — Earlier word mark KINDER — Relative ground for refusal — Lack of similarity of the signs — Earlier opposition proceedings — Absence of res judicata — Article 8(1)(b), Article 8(5) and Article 52(1)(a) of Regulation (EC) No 40/94 [now Article 8(1)(b), Article 8(5) and Article 53(1)(a) of Regulation (EC) No 207/2009]

(2009/C 282/83)

Language of the case: English

Parties

Applicant: Ferrero SpA (Alba, Italy) (represented by: C. Gielen and F. Jacobacci, lawyers)

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

Other party to the proceedings before the Board of Appeal of OHIM: Tirol Milch reg.Gen.mbH Innsbruck (Innsbruck, Austria)

Re:

Action brought against the decision of the Second Board of Appeal of OHIM of 30 January 2008 (Case R 682/2007-2) relating to invalidity proceedings between Ferrero SpA and Tirol Milch reg.Gen.mbH Innsbruck.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Ferrero SpA to pay the costs.

(¹) OJ C 142, 7.6.2008.

Judgment of the Court of First Instance of 13 October 2009 — Deutsche Rockwool Mineralwoll v OHIM — Redrock Construction (REDROCK)

(Case T-146/08) (¹)

(Community trade mark — Opposition proceedings — Application for Community figurative mark REDROCK — Earlier national word mark Rock — Relative ground for refusal — No likelihood of confusion — Article 8(1)(b) of Regulation (EC) No 40/94 [now, Article 8(1)(b) of Regulation (EC) No 207/2009]

(2009/C 282/84)

Language of the case: Czech

Parties

Applicant: Deutsche Rockwool Mineralwoll GmbH & Co. OHG (Gladbeck, Germany) (represented by: S. Beckmann, lawyer)

Defendant: Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by: K. Dvořáková and O. Montalto, Agents)

Other party to the proceedings before the Board of Appeal of OHIM intervening before the Court of First Instance: Redrock Construction s.r.o. (Prague, Czech Republic) (represented by: D. Krofta, lawyer)

Re:

Action brought against the decision of the Fourth Board of Appeal of OHIM of 18 February 2008 (Case R 506/2007-4) relating to opposition proceedings between Deutsche Rockwool Mineralwoll GmbH & Co. OHG and Redrock Construction s.r.o.

Operative part of the judgment

The Court:

1. Dismisses the action.
2. Orders Deutsche Rockwool Mineralwoll GmbH & Co. OHG to bear its own costs and to pay three quarters of the costs incurred by Redrock Construction s.r.o.
3. Orders the Office for Harmonisation in the Internal Market (Trade Marks and Designs) to bear its own costs and to pay one quarter of the costs incurred by Redrock Construction s.r.o.

(¹) OJ C 158, OF 21.6.2008.