

Judgment of the Court of First Instance of 11 November 2009 — Bayer Healthcare LLC v OHIM — Uriach-Aquilea OTC (CITRACAL)

(Case T-277/08) ⁽¹⁾

(Community trade mark — Opposition proceedings — Application for Community word mark CITRACAL — Earlier national word mark CICATRAL — Relative ground for refusal — Likelihood of confusion — Similarity of the goods — Similarity of 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 312/47)

Language of the case: English

Parties

Applicant: Bayer Healthcare LLC (Morristown, New Jersey, United States) (represented by: M. Edenborough, Barrister)

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 intervening before the Court of First Instance: Uriach-Aquilea OTC, SL (Palau-Solita i Plegamans, Spain)

Re:

Action brought against the decision of the Fourth Board of Appeal of OHIM of 5 May 2008 (Case R 459/2007-4) relating to opposition proceedings between Uriach-Aquilea OTC, SL and Bayer Healthcare LLC

Operative part of the order

1. Dismisses the action.
2. Orders Bayer Healthcare LLC to pay the costs.

⁽¹⁾ OJ C 236, 13.9.2008.

Order of the Court of First Instance of 30 October 2009 — Sun World International v OHIM — Kölla Hamburg (SUPERIOR SEEDLESS)

(Case T-493/08) ⁽¹⁾

(Community trade mark — Partial surrender of registration — No need to adjudicate)

(2009/C 312/48)

Language of the case: English

Parties

Applicant: Sun World International LLC (Bakersfield, California, United States) (represented by: M. Holah, Solicitor)

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

Other party to the proceedings before the Board of Appeal of OHIM, intervener before the Court of First Instance: Kölla Hamburg Overseas Import GmbH & Co. KG (Hamburg, Germany) (represented by: C. Lemke, lawyer)

Re:

Action brought against the decision of the First Board of Appeal of OHIM of 3 September 2008 (Case R 1378/2007-1), relating to invalidity proceedings between Kölla Hamburg Overseas Import GmbH & Co. KG and Sun World International LLC.

Operative part of the order

1. There is no longer any need to adjudicate on the action.
2. Sun World International LLC shall bear its own costs and pay those incurred by the Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM) and by Kölla Hamburg Overseas Import GmbH & Co. KG.

⁽¹⁾ OJ C 19, 24.1.2009.

Order of the President of the Court of First Instance of 29 October 2009 — Novácke chemické závody v Commission

(Case T-352/09 R)

(Interim measures — Competition — Commission decision imposing a fine — Bank guarantee — Application for suspension of enforcement of a measure — Lack of urgency)

(2009/C 312/49)

Language of the case: English

Parties

Applicant: Novácke chemické závody, a.s. (Nováky, Slovakia) (represented by: A. Černejová, lawyer)

Defendant: Commission of the European Communities (represented by: F. Castillo de la Torre and N. von Lingen, acting as Agents)

Re:

Application for suspension of enforcement of the Commission decision of 22 July 2009 relating to a proceeding under Article 81 of the EC Treaty and Article 53 of the EEA Agreement (Case COMP/39.396 — Calcium carbide and magnesium-based reagents for the steel and gas industries), in so far as it concerns the applicant