

GENERAL COURT

Judgment of the General Court of 2 June 2010 — Procaps v OHIM — Biofarma (PROCAPS)(Case T-35/09) ⁽¹⁾

(Community trade mark — Opposition procedure — Application for the Community word mark PROCAPS — Earlier national and international word marks PROCAPTAN — Relative ground for refusal — Likelihood of confusion — Similarity of the signs — Similarity of the goods and services — Article 8(1)(b) of Regulation (EC) No 40/94 (now Article 8(1)(b) of Regulation (EC) No 207/2009))

(2010/C 195/26)

Language of the case: Spanish

Parties

Applicant: Procaps, SA (Barranquilla, Colombia) (represented by: M. Vidal-Quadras Trias de Bes, lawyer)

Defendant: Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM) (represented by: Ó. Mondéjar Ortuño, acting as Agent)

Other party to the proceedings before the Board of Appeal of OHIM, intervener before the General Court: Biofarma SAS (Neuilly-sur-Seine, France) (represented by: A. Ruiz López and V. Gil Vega, lawyers)

Re:

Action brought against the decision of the Fourth Board of Appeal of OHIM of 24 November 2008 (Case R 867/2007-4), concerning opposition proceedings between Biofarma SAS and Procaps, SA

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Procaps, SA to pay the costs.

⁽¹⁾ OJ C 69, 21.3.2009.

Order of the General Court of 5 May 2010 — CBI and ABISP v Commission(Case T-128/08 and Case T-241/08) ⁽¹⁾

(State aid — Subsidies granted to public hospitals by the Belgian authorities — Service of general economic interest — Complaint — Alleged decision to take no further action on the complaint — Subsequent adoption of a decision declaring the aid to be compatible with the common market — No need to adjudicate)

(2010/C 195/27)

Language of the case: French

Parties

Applicants: Coordination bruxelloise d'institutions sociales et de santé (CBI) (Brussels, Belgium); and Association bruxelloise des institutions de soins privées (ABISP) (Brussels) (represented by: D. Waelbroeck, lawyer, and D. Slater, Solicitor)

Defendant: European Commission (represented by: C. Giolito, J.-P. Keppenne and B. Stromsky, Agents)

Re:

Application for annulment of an alleged Commission decision, resulting from its letters of 10 January and 10 April 2008, not to initiate the procedure provided for in Article 88(2) EC and to take no further action on the applicants' complaint concerning alleged State aid granted by the Belgian authorities in connection with the financing of public hospitals of the IRIS network (Interhospitalière régionale des infrastructures de soins) in the Brussels-Capital Region (Belgium).

Operative part of the order

1. Case T-128/08 and Case T-241/08 shall be joined for the purposes of this order.
2. There is no longer any need to adjudicate on these actions.
3. There is no need to adjudicate on the applications for leave to intervene submitted by Commune de Saint-Gilles (Belgium), Commune d'Etterbeek (Belgium), Commune d'Ixelles (Belgium), Commune d'Anderlecht (Belgium), Brussels-Capital Region (Belgium), City of Brussels (Belgium), or the Republic of Finland.
4. The European Commission shall pay the costs.

⁽¹⁾ OJ C 142, 7.6.2008.