

4. Orders the European Commission to bear its own costs.

(¹) OJ C 141, 20.6.2009.

Judgment of the General Court of 17 February 2011 — J & F Participações v OHIM — Plusfood Wrexham (Friboi)

(Case T-324/09) (¹)

(Community trade mark — Opposition proceedings — Application for the Community figurative mark Friboi — Earlier national word mark FRIBO — Relative ground for refusal — Likelihood of confusion — Article 8(1)(b) of Regulation (EC) No 207/2009 — Genuine use of the earlier mark — Article 42(2) and (3) of Regulation No 207/2009)

(2011/C 103/38)

Language of the case: English

Parties

Applicant: J & F Participações SA (Sorocaba, Brazil) (represented by: A. Fernández Fernández-Pacheco, lawyer)

Defendant: Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by: J.F. Crespo Carrillo, acting as Agent)

Other party to the proceedings before the Board of Appeal of OHIM, intervener before the General Court: Plusfood Wrexham Ltd (Llay, Wrexham, United Kingdom) (represented by: G. van Roeyen, lawyer)

Re:

Action brought against the decision of the First Board of Appeal of OHIM of 22 April 2009 (Case R 824/2008-1), concerning opposition proceedings between Fribo Foods Ltd and Agropecuaria Friboi, Ltda.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders J & F Participações SA to pay the costs.

(¹) OJ C 256, 24.10.2009.

Judgment of the General Court of 17 February 2011 — Ancco v OHIM — Freche et fils (ANN TAYLOR LOFT)

(Case T-385/09) (¹)

(Community trade mark — Opposition proceedings — Application for the Community word mark ANN TAYLOR LOFT — Earlier national word mark LOFT — Relative ground for refusal — Likelihood of confusion — Article 8(1)(b) of Regulation (EC) No 207/2009)

(2011/C 103/39)

Language of the case: English

Parties

Applicant: Ancco, Inc. (Wilmington, Delaware, United States) (represented by: G. Triet, lawyer)

Defendant: Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by: A. Folliard-Monguiral, Agent)

Other party to the proceedings before the Board of Appeal of OHIM: Freche et fils associés (Paris, France)

Re:

Action brought against the decision of the First Board of Appeal of OHIM of 1 July 2009 (Case R 1485/2008-1), relating to opposition proceedings between Freche et fils associés and Ancco, Inc.

Operative part of the judgment

The Court:

1. Annuls the decision of the First Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM) of 1 July 2009 (Case R 1485/2008-1);
2. Declares that the remainder of the action is inadmissible;
3. Orders OHIM to pay the costs.

(¹) OJ C 282, 21.11.2009.

Action brought on 28 September 2010 — Gill v Commission

(Case T-471/10)

(2011/C 103/40)

Language of the case: English

Parties

Applicant: Brendan Gill (Lifford, Ireland) (represented by: A.M. Collins SC, N.J. Travers, Barrister and D.P. Barry, Solicitor)