

Information relating to the case

Applicant for the Community trade mark:	Conceria Toska Srl
Community trade mark sought:	Word mark TOSKA for goods in Class 18 — Application No 743427
Proprietor of the mark or sign cited in the opposition proceedings:	Mühlens GmbH & Co. KG
Mark or sign cited in opposition:	German word mark TOSCA for perfumery products
Decision of the Opposition Division:	Opposition dismissed
Decision of the Board of Appeal:	Appeal dismissed

Operative part

The Court:

1. Dismisses the action;
2. Orders Mühlens GmbH & Co. KG to pay the costs.

Judgment of the Court of First Instance (Second Chamber) of 11 July 2007 — Al-Aqsa v Council (Case T-327/03)

Common foreign and security policy — Restrictive measures against certain persons and entities with a view to combating terrorism — Freezing of funds — Action for annulment — Statement of reasons

1. *Procedure — Decision replacing the contested decision during the proceedings (see paras 33-36)*
2. *Acts of the institutions — Statement of reasons — Obligation — Scope (Art. 253 EC; Council Regulation No 2580/2001; Common Position of the Council 2001/931, Art. 1(4) and (6)) (see paras 53-55, 56-58)*
3. *Acts of the institutions — Statement of reasons — Obligation — Correction of an error of reasoning during the proceedings before the Court — Not permissible (Art. 253 EC) (see para. 65)*

Re:

ACTION for annulment in part, first, of Council Decision 2003/480/EC of 27 June 2003 implementing Article 2(3) of Regulation (EC) No 2580/2001 on specific restrictive measures directed against certain persons and entities with a view to combating terrorism and repealing Decision 2002/974/EC (OJ 2003 L 160, p. 81), and, second, of Council Decision 2003/646/EC of 12 September 2003 implementing Article 2(3) of Regulation No 2580/2001 and repealing Decision 2003/480 (OJ 2003 L 229, p. 22).

Operative part

The Court:

1. Annuls Council Decision 2006/379/EC of 29 May 2006 implementing Article 2(3) of Regulation (EC) No 2580/2001 on specific restrictive measures directed against certain persons and entities with a view to combating terrorism and repealing Decision 2005/930/EC in so far as it concerns Stichting Al-Aqsa;

2. Declares that there is no need to rule on the claim for a declaration, pursuant to Article 241 EC, that Council Regulation No 2580/2001 of 27 December 2001 is unlawful;
3. Orders the Council to bear, in addition to its own costs, the costs of Stichting Al-Aqsa;
4. Orders the Kingdom of the Netherlands to pay its own costs.

**Judgment of the Court of First Instance (Second Chamber) of 11 July 2007 —
Mülhens v OHIM — Cara (TOSKA LEATHER)**

(Case T-28/04)

Community trade mark — Opposition proceedings — Application for figurative Community trade mark TOSKA LEATHER — Earlier national word mark TOSCA — Relative grounds for refusal — Well-known trade mark within the meaning of Article 6 bis of the Paris Convention — Article 8(1)(b) of Regulation (EC) No 40/94 — Article 8(5) of Regulation (EC) No 40/94

1. *Community trade mark — Definition and acquisition of the Community trade mark — Relative grounds for refusal — Opposition by the proprietor of an earlier identical or similar mark well known in a Member State (Council Regulation No 40/94, Art. 8(1)(b)) (see paras 31, 32)*
2. *Community trade mark — Definition and acquisition of the Community trade mark — Relative grounds for refusal — Opposition by the proprietor of an earlier identical or similar mark enjoying a reputation (Council Regulation No 40/94, Art. 8(5)) (see paras 57-59)*