

Proprietor of the mark or sign cited in the opposition proceedings:	Budějovický Budvar, národní podnik
Mark or sign cited in opposition:	Indications of origin BUDWEISER BIER, BUDWEISER BIER-BUDVAR, BUDWEISER BUDVAR
Decision of the Opposition Division:	Oppositions dismissed
Decision of the Board of Appeal :	Appeal dismissed

Operative part

The Court:

1. Dismisses the applications in Joined Cases T-53/04 to T-56/04, T-58/04 and T-59/04;
2. Orders Budějovický Budvar, národní podnik to pay the costs.

Judgment of the Court of First Instance (Fifth Chamber, Extended Composition) of 12 June 2007 — Budějovický Budvar v OHIM — Anheuser-Busch (BUD)

(Joined Cases T-60/04 to T-64/04)

Community trade mark — Opposition proceedings — Applications for a Community word mark BUD — Indication of origin registered under the Lisbon Agreement — Article 8(4) of Regulation (EC) No 40/94 — Rejection of the opposition

1. *Community trade mark — Definition and acquisition of the Community trade mark — Relative grounds for refusal — Opposition by the proprietor of an unregistered trade mark or other sign used in commerce (Council Regulation No 40/94, Art. 8(4)) (see paras 68-72)*

2. *Community trade mark — Definition and acquisition of the Community trade mark — Relative grounds for refusal — Opposition by the proprietor of an unregistered trade mark or other sign used in commerce (Council Regulation No 40/94, Art. 8(4)) (see para. 197)*

Re:

ACTION brought against five decisions of the Second Board of Appeal of OHIM of 3 December 2003 (Cases R 107/2003-2, R 111/2003-2, R 114/2003-2, R 115/2003-2 and R 122/2003-2), concerning opposition proceedings between Budějovický Budvar, národní podnik and Anheuser-Busch, Inc.

Information relating to the case

Applicant for the Community trade mark:	Anheuser-Busch, Inc.
Community trade mark sought:	Word mark BUD for goods in Classes 9, 14, 16, 21, 25, 29 and 30 — Applications Nos 739102, 24729, 24737, 24695 and 24679
Proprietor of the mark or sign cited in the opposition proceedings:	Budějovický Budvar, národní podnik
Mark or sign cited in opposition:	Indications of origin BUD
Decision of the Opposition Division:	Oppositions dismissed
Decision of the Board of Appeal:	Appeal dismissed

Operative part

The Court:

1. Dismisses the applications in Joined Cases T-60/04 to T-64/04;
2. Orders Budějovický Budvar, národní podnik to pay the costs.