

**Judgment of the Court of First Instance of 23 September 2009 — Phildar v OHIM — Comercial Jacinto Parera (FILDOR)**

(Case T-99/06) <sup>(1)</sup>

*(Community trade mark — Opposition proceedings — Application for the Community word mark FILDOR — Earlier national semi-figurative mark PHILDAR — Earlier national word mark FILDOR — Earlier international word and semi-figurative marks PHILDAR — Relative ground for refusal — Likelihood of confusion — Articles 8(1)(b), 62 and 73 of Regulation (EC) No 40/94 (now Articles 8(1)(b), 64 and 75 of Regulation (EC) No 207/2009)*

(2009/C 267/91)

*Language of the case: English*

**Parties**

*Applicant:* Phildar SA (Roubaix, France) (represented by: E. Baud, lawyer)

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

*Other party to the proceedings before the Board of Appeal of OHIM:* Comercial Jacinto Parera SA (Barcelona, Spain)

**Re:**

Action against the decision of the Second Board of Appeal of OHIM of 16 January 2006 (Case R 245/2004-2), relating to opposition proceedings between Phildar SA and Comercial Jacinto Parera, SA.

**Operative part of the judgment**

*The Court:*

1. Annuls the decision of the Second Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM) of 16 January 2006 (Case R 245/2004-2);
2. Orders OHIM to pay the costs.

<sup>(1)</sup> OJ C 121, 20.5.2006.

**Judgment of the Court of First Instance of 16 September 2009 — Hipp & Co v OHIM — Laboratoris Ordesa (Bebimil)**

(Case T-221/06) <sup>(1)</sup>

*(Community trade mark — Opposition procedure — Application for Community word mark Bebimil — Earlier Community and national word marks BLEMIL — Earlier national word mark BLEMIL 1 — Article 8(1)(b) of Regulation (EC) No 40/94 (now Article 8(1)(b) of Regulation (EC) No 207/2009) — Likelihood of confusion)*

(2009/C 267/92)

*Language of the case: English*

**Parties**

*Applicant:* Hipp & Co KG (Sachseln, Switzerland) (represented by: M. Kinkeldey and A. Bognár, lawyers)

*Defendant:* Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by: S. Latinien and A. Folliard-Mongiural, acting as Agents)

*Other party to the proceedings before the Board of Appeal of OHIM, intervening before the Court of First Instance:* Laboratoris Ordesa, SL (Sant Boi de Llobregat, Spain) (represented by: R. Thierie and E. Sugrañes Coca, lawyers)

**Re:**

Action brought against the decision of the First Board of Appeal of OHIM of 2 June 2006 (Case R 571/2005-1), relating to opposition proceedings between Laboratoris Ordesa, SL and Hipp & Co. KG.

**Operative part of the judgment**

*The Court:*

1. Dismisses the action;
2. orders Hipp & Co. KG to pay the costs.

<sup>(1)</sup> OJ C 237, 30.9.2006.