

**Judgment of the Court of First Instance of 19 May 2009 — Euro-Information v OHIM (CYBERCREDIT, CYBERGESTION, CYBERGUICHET, CYBERBOURSE and CYBERHOME)**

(Joined Cases T-211/06, T-213/06, T-245/06, T-155/07 and T-178/07) <sup>(1)</sup>

*(Community trade mark — Applications for Community word marks CYBERCREDIT, CYBERGESTION, CYBERGUICHET, CYBERBOURSE and CYBERHOME — Absolute ground for refusal — Lack of distinctive character — Article 7(1)(b) of Regulation (EC) No 40/94 — Lack of distinctive character acquired through use — Article 7(3) of Regulation No 40/94)*

(2009/C 153/66)

*Language of the case: French*

**Parties**

*Applicant:* Européenne de traitement de l'information (Euro-Information) (Strasbourg, France) (represented by: P. Greffe, J. Schouman, A. Jacquet and L. Paudrat, lawyers)

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

**Re:**

Actions brought against the decisions of the First Board of Appeal of OHIM of 24 May (Case R 0068/2006-1), 12 June (Case R 0066/2006-1), 5 July 2006 (Case R 0067/2006-1), 28 February (Case R 1046/2006-1) and 15 March 2007 (Case R 0067/2006-1), concerning registration of the signs CYBERGESTION (Case T-213/06), CYBERCREDIT (Case T-211/06), CYBERGUICHET (Case T-245/06), CYBERBOURSE (Case T-155/07) and CYBERHOME (Case T-178/07) as Community trade marks.

**Operative part of the judgment**

*The Court:*

1. *The actions are dismissed;*
2. *Européenne de traitement de l'information (Euro-Information) is ordered to pay the costs.*

<sup>(1)</sup> OJ C 249, 14.10.2006.

**Judgment of the Court of First Instance of 7 May 2009 — Omnicare v OHIM**

(Case T-277/06) <sup>(1)</sup>

*(Community trade mark — Opposition proceedings — Application for Community word mark OMNICARE — Earlier national figurative mark OMNICARE — Refusal of an application for restitutio in integrum)*

(2009/C 153/67)

*Language of the case: English*

**Parties**

*Applicant:* Omnicare, Inc. (Covington, Kentucky, United States) (represented initially by M. Edenborough, Barrister, and O. Patterson, Solicitor, and subsequently by M. Edenborough)

*Defendant:* Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented initially by S. Laitinen, and subsequently by G. Schneider, acting as Agents)

*Other party to the proceedings before the Board of Appeal of OHIM, intervener before the Court of First Instance:* Astellas Pharma GmbH (Munich, Germany) (represented by: A. Franke, lawyer)

**Re:**

ACTION brought against the decision of the Second Board of Appeal of OHIM of 24 July 2006 (Case R 446/2006-2), concerning opposition proceedings between Yamanouchi Pharma GmbH and Omnicare, Inc. and rejecting the application for restitutio in integrum brought by the latter.

**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 24 July 2006 (Case R 446/2006-2);*
2. *Orders OHIM to bear its own costs and to pay the costs incurred by Omnicare, Inc.;*
3. *Orders Astellas Pharma GmbH to bear its own costs.*

<sup>(1)</sup> OJ C 294, 2.12.2006.