

Judgment of the Court of First Instance of 18 December 2008 — Torres v OHIM — Bodegas Peñalba Lopez (Torre Albéniz)

(Case T-287/06) ⁽¹⁾

(Community trade mark — Opposition procedure — Application for Community figurative mark TG Torre Galatea — Earlier Community word mark TORRES 10 — Relative ground for refusal — No likelihood of confusion)

(2009/C 44/75)

Language of the case: Spanish

Parties

Applicant: Miguel Torres, SA (Vilafranca del Penedés, Spain) (represented by: E. Armijo Chávarri, M. Baz de San Ceferino and A. Castán Pérez-Gómez, lawyers)

Defendant: Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by: O. Mondéjar Ortuño and J. García Murillo, Agents)

Other party to the proceedings before the Board of Appeal of OHIM intervening before the Court of First Instance: Bodegas Peñalba Lopez, SL (Aranda de Duero, Spain) (represented by: J. Calderón Chavero, T. Villate Consonni and M. Yañez Manglano, lawyers)

Re:

Action brought against the decision of the Second Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) of 27 July 2006 (Case R-597/2004-2) relating to opposition proceedings between Miguel Torres, SA and Bodegas Peñalba Lopez, SL.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Miguel Torres, SA to pay the costs.

⁽¹⁾ OJ C 310, 16.12.2006.

Judgment of the Court of First Instance of 18 December 2008 — Torres v OHIM — Gala-Salvador Dali (TG Torre Galatea)

(Case T-8/07) ⁽¹⁾

(Community trade mark — Opposition procedure — Application for Community figurative mark TG Torre Galatea — Earlier Community word mark TORRES 10 — Relative ground for refusal — No likelihood of confusion)

(2009/C 44/76)

Language of the case: Spanish

Parties

Applicant: Miguel Torres, SA (Vilafranca del Penedés, Spain) (represented by: E. Armijo Chávarri, M. Baz de San Ceferino and A. Castán Pérez-Gómez, lawyers)

Defendant: Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by: O. Mondéjar Ortuño, Agent)

Other party to the proceedings before the Board of Appeal of OHIM intervening before the Court of First Instance: Fundación Gala-Salvador Dali (Figueras, Spain) (represented by: A. Seguera Roda and M. Teixdor Jufresa, lawyers)

Re:

Action brought against the decision of the Second Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) of 24 October 2006 (Case R-168/2006-2) relating to opposition proceedings between Miguel Torres, SA and Fundación Gala-Salvador Dali.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Miguel Torres, SA to pay the costs.

⁽¹⁾ OJ C 56, 4.3.2007.