

**Judgment of the Court of First Instance (Fourth Chamber) of 10 May 2007 —
Antartica v OHIM — Nasdaq Stock Market (nasdaq)**

(Case T-47/06)

Community trade mark — Opposition proceedings — Application for Community figurative mark nasdaq — Earlier Community word mark NASDAQ — Relative ground for refusal — Reputation — Article 8(5) of Regulation (EC) No 40/94

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 para. 61)

Re:

ACTION brought against the decision of the Second Board of Appeal of OHIM of 7 December 2005 (Case R 752/2004-2), relating to opposition proceedings between The Nasdaq Stock Market, Inc. and Antartica Srl.

Information relating to the case

Applicant for the Community trade mark:	Antartica Srl
Community trade mark sought:	Figurative mark nasdaq for goods in Classes 9, 12, 14, 25 and 28
Proprietor of the mark or sign cited in the opposition proceedings:	The Nasdaq Stock Market, Inc.
Mark or sign cited in opposition:	Community word mark NASDAQ for goods in Classes 9, 16, 35, 36, 38 et 42, and the earlier trade mark NASDAQ, generally recognised in all the Member States of the European Union

Decision of the Opposition Division:	Opposition dismissed
Decision of the Board of Appeal:	Decision of the Opposition Division set aside and application for registration dismissed

Operative part

The Court:

1. Dismisses the action;
2. Orders Antartica Srl to pay the costs.

Judgment of the Court of First Instance (Second Chamber) of 15 May 2007 — Black & Decker v OHIM — Atlas Copco (Three-dimensional representations of yellow and black electric power tools)

(Joined Cases T-239/05, T-240/05, T-245/05 to T-247/05, T-255/05 and T-274/05 to T-280/05)

Community trade mark — Opposition proceedings — Opposition period — Fax transmission — Admissibility — Clear identification of the earlier trade mark — Rule 18(1) of Regulation (EC) No 2868/95

1. *Community trade mark — Proceedings before the OHIM authorities — Transmission of communications to the Office (Commission Regulation No 2868/95, Art. 1, rule 80(2)) (see paras 59-64)*