

Re:

ACTION for annulment of the decision of the European Parliament of 28 April 2005 rejecting as unfounded the applicant's challenge relating to the election of Andreas Mölzer as a Member of the European Parliament, submitted in accordance with the provisions of Article 12 of the Act of 20 September 1976 concerning the election of the representatives of the Parliament by direct universal suffrage.

Operative part

The Court:

1. Dismisses the action as inadmissible;
2. Orders Mr Hans Kronberger to pay the costs, including those incurred in the interim proceedings.

**Judgment of the Court of First Instance (Fifth Chamber) of 22 May 2008 —
NewSoft Technology v OHIM — Soft (Presto! BizCard Reader)**

(Case T-205/06)

(Community trade mark — Invalidity proceedings — Community word mark Presto! BizCard Reader — Earlier national figurative marks Presto — Relative ground for refusal — Likelihood of confusion — Article 8(1)(b) and Article 52(1)(a) of Regulation (EC) No 40/94)

Community trade mark — Surrender, revocation and invalidity — Relative grounds of invalidity — Existence of an identical or similar earlier trade mark registered for identical or similar goods or services — Likelihood of confusion with the earlier mark (Council Regulation No 40/94, Art. 8(1)(b)) (see paras 65-67)

Re:

ACTION brought against the decision of the Second Board of Appeal of OHIM of 19 May 2006 (Case R 601/2005-2) relating to invalidity proceedings between Soft, SA and NewSoft Technology Corp.

Information relating to the case

Registered Community trade mark of which cancellation sought:	Word mark Presto! BizCard Reader for goods and services in Classes 9, 16 and 42 — Application No 2625457
Proprietor of the Community trade mark:	NewSoft Technology Corp.
Party bringing the action for cancellation:	Soft, SA
Trade marks of the applicant for cancellation:	Spanish figurative mark Presto for goods and services in Classes 9 and 42
Decision of the Cancellation Division:	Community trade mark cancelled
Decision of the Board of Appeal:	Appeal dismissed

Operative part

The Court:

1. Dismisses the action;
2. Orders NewSoft Technology Corp. to pay the costs.