

**Re:**

Appeal against the judgment of the Court of First Instance (Third Chamber) of 16 May 2007 in Case T-491/04 *Merant v OHIM*, by which the Court annulled decision R 542/2002-2 of the Second Board of Appeal of the Office for Harmonisation in the internal Market (Trade Marks and Designs) (OHIM) of 18 October 2004 upholding an action against the opposition decision which partially rejected the application for registration of Community word mark 'FOCUS' for goods and services in classes 3, 6, 7, 8, 9, 14, 15, 16, 21, 24, 25, 26, 28, 29, 32, 33, 34, 35, 36, 38, 39, 41 and 42 in opposition proceedings brought by the proprietor of the national figurative mark 'MICRO FOCUS' for goods and services in classes 9, 16, 41 and 42 — Likelihood of confusion between two marks

**Operative part of the order**

1. *The appeal is dismissed.*
2. *Focus Magazin Verlag GmbH is ordered to pay the costs.*

(<sup>1</sup>) OJ C 79, 29.3.2008.

**Order of the Court (Seventh Chamber) of 5 May 2008 (reference for a preliminary ruling from the Consiglio di Stato (Italy)) — Hospital Consulting Srl, ATI HC, Kodak SpA, Technologie Sanitarie SpA v Esaote SpA, ATI, Ital Tbs, Telematic & Biomedical Service SpA, Draeger Medica Italia SpA, Officina Biomedica Divisione Servizi SpA**

(Case C-386/07) (<sup>1</sup>)

*(Rules of procedure — Articles 92(1) and 104(3) — Community competition rules — National rules concerning lawyers' fees — Setting of professional scales of charges — Partial inadmissibility — Answers to questions which may be deduced from the case-law of the Court)*

(2008/C 209/23)

Language of the case: Italian

**Referring court**

Consiglio di Stato

**Parties**

*Applicants:* Hospital Consulting Srl, ATI HC, Kodak SpA, Technologie Sanitarie SpA

*Defendants:* Esaote SpA, ATI, Ital Tbs Telematic & Biomedical Service SpA, Draeger Medica Italia SpA, Officina Biomedica Divisione Servizi SpA

Intervener: Azienda Sanitaria locale ULSS No 15 (Alta Padovana, Regione Veneto, Italy)

**Re:**

Reference for a preliminary ruling — Consiglio di Stato — Interpretation of Articles 10 and 81(1) EC and Directive 98/5/EC of the European Parliament and of the Council of 16 February 1998 to facilitate practice of the profession of lawyer on a permanent basis in a Member State other than that in which the qualification was obtained (OJ 1998 L 77, p. 36) — Fixing by a national professional organisation of mandatory tariffs for lawyers' services subject to ministerial approval — National rules prohibiting judges in decisions on costs from derogating from the set minimum fees

**Operative part of the order**

1. *Articles 10 EC and 81 EC do not preclude a national law which in principle prohibits derogation from minimum fees approved by ministerial decree, on the basis of a draft drawn up by a professional body of members of the Bar such as the Consiglia nazionale forense, and which also prohibits the judge, when he decides the amount of costs that the unsuccessful party must pay to the other party, from derogating from those minimum fees.*
2. *The third question referred by the Consiglio di Stato by decision of 13 January 2006 is clearly inadmissible.*

(<sup>1</sup>) OJ C 283, 24.11.2007.

**Order of the Court (Seventh Chamber) of 21 May 2008 (reference for a preliminary ruling from the Najvyšší súd Slovenskej republiky — Slovak Republic) — Karol Mihal v Daňový úrad Košice V**

(Case C-456/07) (<sup>1</sup>)

*(Article 104(3), first subparagraph, of the Rules of Procedure — Sixth VAT Directive — Taxable persons — Article 4(5), first subparagraph — Bodies governed by public law — Bailiffs — Natural and legal persons)*

(2008/C 209/24)

Language of the case: Slovak

**Referring court**

Najvyšší súd Slovenskej republiky

(<sup>1</sup>) OJ C 315, 22.12.2007.