

Judgment of the Court of First Instance of 19 November 2009 — Torresan v OHIM — Klosterbrauerei Weissenohe (CANNABIS)

(Case T-234/06) ⁽¹⁾

(Community trade mark — Invalidity proceedings — Community word mark CANNABIS — Absolute ground for refusal — Descriptive character — Articles 7(1)(c) and 51(1)(a) of Regulation (EC) No 40/94 (now Articles 7(1)(c) and 52(1)(a) of Regulation (EC) No 207/2009)

(2010/C 11/40)

Language of the case: Italian

Parties

Applicant: Giampietro Torresan (Rothenburg, Switzerland) (represented by: G. Recher, lawyer)

Defendant: Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by: P. Bullock and O. Montalto, agents)

Other party/parties to the proceedings before the Board of Appeal of OHIM intervening before the Court of First Instance: Klosterbrauerei Weissenohe GmbH & Co. KG (Weissenohe, Germany) (represented by: A. Masetti Zannini de Concina, M. Bucarelli and R. Cartella, lawyers)

Re:

Action brought against the decision of the Second Board of Appeal of OHIM of 29 June 2006 (Case R 517/2005-2) relating to invalidity proceedings between Klosterbrauerei Weissenohe GmbH & Co. KG and Giampietro Torresan.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Mr Giampietro Torresan to pay the costs.

⁽¹⁾ OJ C 261, 28.10.2006.

Judgment of the Court of First Instance of 19 November 2009 — Agencja Wydawnicza Technopol v OHIM (1000)

(Case T-298/06) ⁽¹⁾

(Community trade mark — Application for Community word mark 1000 — Absolute ground for refusal — Descriptive character — Article 7(1)(c) of Regulation (EC) No 40/94 (now Article 7(1)(c) of Regulation (EC) No 207/2009)

(2010/C 11/41)

Language of the case: English

Parties

Applicant: Agencja Wydawnicza Technopol sp. z o.o. (Częstochowa, Poland) (represented by: V. von Bomhard, A. Renck and T. Dolde, lawyers)

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

Re:

Action brought against the decision of the Fourth Board of Appeal of OHIM of 7 August 2006 (Case R 447/2006-4), relating to the application for registration of the word mark 1000 as a Community trade mark.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Agencja Wydawnicza Technopol sp. z o.o. to pay the costs.

⁽¹⁾ OJ C 310, 16.12.2006.

Judgment of the Court of First Instance of 19 November 2009 — Agencja Wydawnicza Technopol v OHIM (350, 250 and 150)

(Joined Cases T-64/07 to T-66/07) ⁽¹⁾

(Community trade mark — Applications for Community word marks 350, 250 and 150 — Absolute grounds for refusal — Descriptive character — Article 7(1)(c) of Regulation (EC) No 40/94 (now Article 7(1)(c) of Regulation (EC) No 207/2009)

(2010/C 11/42)

Language of the case: Polish

Parties

Applicant: Agencja Wydawnicza Technopol sp. z o.o. (Częstochowa, Poland) (represented by: D. Rzążewska, lawyer)

Defendant: Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by: O. Montalto and K. Zajfert, Agents)

Re:

Three actions brought against the decisions of the Fourth Board of Appeal of OHIM of 21 December 2006 (Cases R 1033/2006-4, R 1034/2006-4 and R 1035/2006-4) concerning applications for registration of word marks 350, 250 and 150 as Community trade marks.

Operative part of the judgment

The Court:

1. Dismisses the actions;
2. orders Agencja Wydawnicza Technopol sp. z o.o. to pay the costs.

(¹) OJ C 95, 28.4.2007.

Judgment of the Court of First Instance of 19 November 2009 — Agencja Wydawnicza Technopol v OHIM (222, 333 and 555)

(Joined Cases T-200/07 to T-202/07) (¹)

(Community trade mark — Applications for Community word marks 222, 333 and 555 — Absolute ground for refusal — Descriptive character — Article 7(1)(c) of Regulation (EC) No 40/94 (now Article 7(1)(c) of Regulation (EC) No 207/2009))

(2010/C 11/43)

Language of the case: Polish

Parties

Applicant: Agencja Wydawnicza Technopol sp. z o.o. (Częstochowa, Poland) (represented by: D. Rządewska, lawyer)

Defendant: Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by: O. Montalto and K. Zajfert, Agents)

Re:

Three actions brought against the decisions of the Fourth Board of Appeal of OHIM of 22 March 2007 (Cases R 1276/2006-4, R 1277/2006-4 and R 1278/2006-4), concerning the applications for registration of the word marks 222, 333 and 555 as Community trade marks.

Operative part of the judgment

The Court:

1. Dismisses the actions;
2. Orders Agencja Wydawnicza Technopol sp. z o.o. to pay the costs.

(¹) OJ C 183, 4.8.2007.

Judgment of the Court of First Instance of 19 November 2009 — Denka International v Commission

(Case T-334/07) (¹)

(Plant-protection products — Active substance dichlorvos — Non-inclusion in Annex I to Directive 91/414/EEC — Evaluation procedure — Opinion of an EFSA Scientific Panel — Plea of illegality — Article 20 of Regulation (EC) No 1490/2002 — Submission of new studies and data during the evaluation procedure — Article 8 of Regulation (EC) No 451/2000 — Article 28(1) of Regulation (EC) No 178/2002 — Legitimate expectations — Proportionality — Equal treatment — Principle of sound administration — Rights of the defence — Principle of subsidiarity — Article 95(3) EC and Articles 4(1) and 5(1) of Directive 91/414)

(2010/C 11/44)

Language of the case: English

Parties

Applicant: Denka International BV (Barneveld, Netherlands) (represented by: C. Mereu and K. Van Maldegem, lawyers)

Defendant: Commission of the European Communities (represented by: B. Doherty and L. Parpala, acting as Agents)

Re:

Application for annulment of Commission Decision 2007/387/EC of 6 June 2007 concerning the non-inclusion of dichlorvos in Annex I to Council Directive 91/414/EEC and the withdrawal of authorisations for plant protection products containing that substance (OJ 2007 L 145, p. 16)

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Denka International BV to bear its own costs and to pay those of the Commission of the European Communities.

(¹) OJ C 269, 10.11.2007.