

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

Re:

Action brought against the decision of the Fourth Board of Appeal of OHIM of 20 December 2006 (Case R 1048/2004-4) concerning an application for registration of the word mark BioGeneriX as a Community trade mark.

Operative part of the judgment

The Court hereby:

1. Annuls the decision of the Fourth Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM) of 20 December 2006 (Case R 1048/2004-4), in so far as chemical substances for preserving foodstuffs, falling within Class 1, are concerned;
2. Dismisses the action as to the remainder;
3. Orders ratiopharm GmbH to bear its own costs and to pay half of OHIM's costs. OHIM will bear the other half of its costs.

⁽¹⁾ OJ C 82, 14.4.2007.

Judgment of the Court of First Instance of 24 September 2008 — Anvil Knitwear v OHIM — Aprile e Aprile (Aprile)

(Case T-179/07) ⁽¹⁾

(Community trade mark — Opposition proceedings — Application for the Community figurative mark Aprile — Earlier national word mark ANVIL — Relative ground for refusal — Lack of likelihood of confusion — Obligation to state reasons — Rights of the defence — Articles 8(1)(b), 73 and 74 of Regulation (EC) No 40/94)

(2008/C 285/71)

Language of the case: English

Parties

Applicant: Anvil Knitwear, Inc. (New York, New York, United States) (represented by: G. Würtenberger, R. Kunze and T. Wittmann, lawyers)

Defendant: Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by: S. Laitinen and O. Mondéjar Ortuño, acting as Agents)

Other party to the proceedings before the Board of Appeal of OHIM: Aprile e Aprile Srl (Argelato, Italy)

Re:

Action brought against the decision of the Second Board of Appeal of OHIM of 22 March 2007 (Case R-1076/2006-2), relating to opposition proceedings between Anvil Knitwear, Inc. and Aprile e Aprile Srl.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Anvil Knitwear, Inc. to pay the costs.

⁽¹⁾ OJ C 170, 21.7.2007.

Judgment of the Court of First Instance of 17 September 2008 — Prana Haus v OHIM

(Case T-226/07) ⁽¹⁾

(Community trade mark — Application for registration of the word mark PRANAHAUS — Absolute ground for refusal — Descriptive character — Article 7(1)(c) of Regulation (EC) No 40/94)

(2008/C 285/72)

Language of the case: German

Parties

Applicant: Prana Haus GmbH (Fribourg-en-Brigau, Germany) (represented by: N. Hebies, lawyer)

Defendant: Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by: J. Weberndörfer, acting as Agent)

Re:

Action brought against the decision of the First Board of Appeal of OHIM of 18 April 2007 (Case R 1611/2006-1) concerning an application for registration of the verbal mark PRANAHAUS as a Community trade mark.