

*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.

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<sup>(1)</sup> 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) <sup>(1)</sup>

*(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.

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<sup>(1)</sup> 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) <sup>(1)</sup>

*(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.

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<sup>(1)</sup> OJ C 269, 10.11.2007.