

## **Operative part**

The Court:

1. Dismisses the action;
2. Orders Giordano Enterprises Ltd to bear its own costs and to pay those incurred by the Office for Harmonisation in the Internal Market (Trade Marks and Designs).

### **Judgment of the General Court (Sixth Chamber) of 17 December 2009 — Notartel v OHIM — SAT.1 (R.U.N.)**

**(Case T-490/07)**

(Community trade mark — Opposition proceedings — Application for Community word mark R.U.N. — Earlier Community and national word marks “ran” — Relative ground for refusal — Likelihood of confusion — Article 8(1)(b) of Regulation (EC) No 40/94 (now Article 8(1)(b) of Regulation (EC) No 207/2009) — Obligation to state reasons — Article 73 of Regulation No 40/94 (now Article 75 of Regulation No 207/2009) — Partial refusal of registration)

*Community trade mark — Definition and acquisition of the Community trade mark — Relative grounds for refusal — Opposition by the proprietor of an earlier identical or similar 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 52, 71)*

**Re:**

ACTION brought against the decision of the Fourth Board of Appeal of OHIM of 22 October 2007 (Case R 1267/2006-4) concerning opposition proceedings between SAT.1 SatellitenFernsehen GmbH and Notartel SpA — Società informatica del Notariato.

**Information relating to the case**

Applicant for the Community trade mark:	Notartel SpA — Società informatica del Notariato
Community trade mark sought:	Word mark R.U.N. for services in Classes 35, 38 and 42 — Application No 1069863
Proprietor of the mark or sign cited in the opposition proceedings:	SAT.1 SatellitenFernsehen GmbH
Mark or sign cited in opposition:	Community and national word mark ran, for goods and services in Classes 9, 35, 38, 41 and 42
Decision of the Opposition Division:	Opposition dismissed
Decision of the Board of Appeal:	Appeal allowed in part, in respect of some services in Classes 38 and 42

**Operative part**

The Court:

1. Dismisses the action;
2. Orders Notartel SpA — Società informatica del Notariato to pay the costs.

**ORDER OF THE PRESIDENT OF THE GENERAL COURT of 17 December 2009 — VERENIGING MILIEUDEFENSIE AND STICHTING STOP LUCHTVERONTREINIGING UTRECHT V COMMISSION**

**(Case T-396/09 R)**

(Interim measures — Obligation of the Member States to protect and improve ambient air quality — Exemption granted to a Member State — Commission's