

**Order of the Court (Fifth Chamber) of 3 June 2009 —
Zipcar, Inc. v Office for Harmonisation in the Internal
Market (Trade Marks and Designs)**

(Case C-394/08 P) ⁽¹⁾

*(Appeal — Community trade mark — Article 8(1)(b) of
Regulation (EC) No 40/94 — Word mark ZIPCAR —
Opposition by the proprietor of the national word mark
CICAR)*

(2009/C 220/29)

Language of the case: English

Parties

Appellant: Zipcar, Inc. (represented by: M. Elmslie, Solicitor)

Other party to the proceedings: Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by: D. Botis, Agent)

Re:

Appeal against the judgment of the Court of First Instance (Eighth Chamber) of 25 June 2008 in Case T-36/07 *Zipcar v OHIM* dismissing an action for annulment brought by the applicant for registration of the word mark 'ZIPCAR' for goods in Classes 9, 39 and 42 against decision R 122/2006-2 of the Second Board of Appeal of the Office for Harmonisation in the Internal Market (OHIM) of 30 November 2006 rejecting the action against the decision of the Opposition Division partially refusing registration of that mark in opposition proceedings brought by the holder of the national word mark 'CICAR' for services in Class 39

Operative part of the order

1. *The appeal is dismissed.*
2. *Zipcar Inc. is ordered to pay the costs.*

⁽¹⁾ OJ C 285, 8.11.2008.

**Reference for a preliminary ruling from the Court of
Appeal in Northern Ireland (United Kingdom) lodged on
16 October 2008 — Seaport Investments Ltd v
Department of the Environment for Northern Ireland**

(Case C-454/08)

(2009/C 220/30)

Language of the case: English

Referring court

Court of Appeal in Northern Ireland

Parties to the main proceedings

Applicant: Seaport Investments Ltd

Defendant: Department of the Environment for Northern Ireland

By order of 20 May 2009, the Court of Justice (Sixth Chamber) declared the reference for a preliminary ruling inadmissible.

**Reference for a preliminary ruling from the Hof van
beroep te Brussel (Belgium) lodged on 15 May 2009 — I.
SGS Belgium NV v Belgisch Interventie- en
Restitutiebureau, Firme Derwa NV and Centraal Beheer
Achmea NV and II. Firme Derwa NV and Centraal Beheer
Achmea NV v SGS Belgium NV and Belgisch Interventie-
en Restitutiebureau**

(Case C-218/09)

(2009/C 220/31)

Language of the case: Dutch

Referring court

Hof van beroep te Brussel

Parties to the main proceedings

I. SGS Belgium NV

v

Belgisch Interventie- en Restitutiebureau

Firme Derwa NV

Centraal Beheer Achmea NV

II. Firme Derwa NV

Centraal Beheer Achmea NV

v

SGS Belgium NV

Belgisch Interventie- en Restitutiebureau

Question referred

Must the term 'force majeure' in Article 5(3) of Commission Regulation (EEC) No 3665/87 ⁽¹⁾ of 27 November 1987 laying down common detailed rules for the application of the system of export refunds on agricultural products be interpreted as meaning that damage to beef while being transported in the correct packaging and in a refrigerated container continuously maintained at the prescribed temperature, in principle constitutes force majeure?

⁽¹⁾ OJ 1987 L 351, p. 1.