

Re:

Application for annulment of Commission Decision C(2007) 6132, of 4 December 2007 refusing the designation of the medicinal product 'Chelidonii radix special liquid extract' as an orphan medicinal product under Regulation (EC) No 141/2000 of the European Parliament and of the Council of 16 December 1999 on orphan medicinal products (OJ 2000 L 18, p. 1).

Operative part of the judgment

The Court:

1. Dismisses the application;
2. Orders Now Pharm AG to pay the costs.

⁽¹⁾ OJ C 92, 12.4.2008.

**Judgment of the General Court of 8 September 2010 —
Kido v OHIM — Amberes (SCORPIONEXO)**

(Case T-152/08) ⁽¹⁾

(Community trade mark — Opposition proceedings — Application for Community word mark SCORPIONEXO — Earlier national figurative mark ESCORPION — 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))

(2010/C 288/64)

Language of the case: Spanish

Parties

Applicant: Kido Industrial Ltd (Yangcheon-gu, Republic of Korea) (represented by: M. Mall, lawyer)

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

Other party to the proceedings before the Board of Appeal of OHIM: Amberes, SA (Igualada, Spain)

Re:

Action brought against the decision of the First Board of Appeal of OHIM of 31 January 2008 (Case R287/2007-1), relating to opposition proceedings between Amberes, SA and Kido Industrial Ltd.

Operative part of the judgment

The Court:

1. dismisses the action;
2. orders Kido Industrial Ltd to pay the costs.

⁽¹⁾ OJ C 158, 21.6.2008.

**Judgment of the General Court of 10 September 2010 —
MPDV Mikrolab v OHIM (ROI ANALYZER)**

(Case T-233/08) ⁽¹⁾

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

(2010/C 288/65)

Language of the case: German

Parties

Applicants: MPDV Mikrolab GmbH, Mikroprozessordatenverarbeitung und Mikroprozessorlabor (Mosbach, Germany) (represented by: W. Göpfert, lawyer)

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

Re:

Action brought against the decision of the Fourth Board of Appeal of OHIM of 15 April 2008 (Case R 1525/2006-4) concerning the registration of the word sign ROI ANALYZER as a Community trade mark.