

**Judgment of the General Court of 28 September 2010 —  
Market Watch v OHIM — Ares Trading SA (Seroslim)**

(Case T-201/08) <sup>(1)</sup>

*(Community trade mark — Opposition proceedings — Application for the Community word mark Seroslim — Earlier Community word mark SEROSTIM — 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 317/47)

Language of the case: English

**Parties**

*Applicant:* Market Watch Franchise & Consulting, Inc. (Freeport, Bahamas) (represented by: J. Korab, lawyer)

*Defendant:* Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by: A. Folliard-Monguiral, acting as Agent.)

*Other party to the proceedings before the Board of Appeal of OHIM, intervener before the General Court:* Ares Trading SA (Aubonne, Switzerland) (represented by: M. De Justo Bailey and M. De Justo Vazquez, lawyers)

**Re:**

Action brought against the decision of the Second Board of Appeal of OHIM of 6 March 2008 (Case R 805/2007-2) relating to opposition proceedings between Ares Trading SA and Market Watch Franchise & Consulting, Inc.

**Operative part of the judgment**

*The Court:*

1. Dismisses the action;
2. Orders Market Watch Franchise & Consulting, Inc. to pay the costs.

<sup>(1)</sup> OJ C 197, 2.8.2008.

**Judgment of the General Court of 28 September 2010 —  
C-Content v Commission**

(Case T-247/08) <sup>(1)</sup>

*(Non-contractual liability — Public service contracts — Community tendering procedures — Electronic publication services — Irregularities and infringements of Community law allegedly committed by the Publications Office — Limitation periods — Causal link)*

(2010/C 317/48)

Language of the case: English

**Parties**

*Applicant:* C-Content BV ('s-Hertogenbosch, Netherlands) (represented by: M. Meulenbelt, lawyer)

*Defendant:* European Commission (represented by: initially by E. Manhaeve and N. Bambara, acting as Agents, assisted by O. Soudry, adviser, and A. Nucara, lawyer, and subsequently by E. Manhaeve and N. Bambara, assisted by O. Soudry and E. Petritsi, lawyer)

**Re:**

Application for damages for the loss allegedly suffered by the applicant as a consequence of irregularities and infringements of Community law committed by the Office for Official Publications of the European Communities in connection with a number of Community tender procedures for electronic publication services.

**Operative part of the judgment**

*The Court:*

1. Dismisses the action as in part inadmissible and in part unfounded;
2. Orders C-Content BV to pay the costs.

<sup>(1)</sup> OJ C 209, 15.8.2008.