

Proprietor of the mark or sign cited in the opposition proceedings:	Bodegas Marqués de Murrieta SA
Mark or sign cited in opposition:	Spanish word mark No 2315558 YGAY and Community figurative mark No 1707729 and Community word mark No 1699412 MARQUES DE MURRIETA YGAY for goods in Class 33
Decision of the Opposition Division:	Opposition upheld
Decision of the Board of Appeal:	Appeal dismissed

Operative part

1. Dismisses the action;
2. Orders Villa Almè Azienda vitivinicola di Vizzotto Giuseppe to pay the costs.

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

(Case T-201/08)

(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)

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 23-24, 49)

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.

Information relating to the case

Applicant for the Community trade mark:	Market Watch Franchise & Consulting, Inc.
Community trade mark sought:	Word mark Seroslim for goods and services in Classes 3, 5 and 35 — Application No 4113321
Proprietor of the mark or sign cited in the opposition proceedings:	Ares Trading SA
Mark or sign cited in opposition:	Word mark SEROSTIM for goods in Class 5 (Community trade mark No 2405694)
Decision of the Opposition Division:	Opposition upheld in respect to all the goods in Class 5 and in respect of 'soaps, hair lotions and dentifrices' in Class 3
Decision of the Board of Appeal:	Appeal dismissed

Operative part

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

Judgment of the General Court (First Chamber) of 28 September 2010 — C-Content v Commission

(Case T-247/08)

(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)

1. *Actions for damages — Limitation period — Point from which time starts to run — Date to be taken into consideration — Point at which the conditions for operation of non-contractual liability are met (Art. 288, second para., EC; Statute of the Court of Justice, Art. 46) (see paras 52-55)*
2. *Non-contractual liability — Conditions (Art. 288, second para., EC) (see paras 72-73)*
3. *European Communities' public procurement — Tender procedure — Expenses incurred by a tenderer — Right to compensation — None — Exception — Infringement of Community law (see paras 86-87)*
4. *Non-contractual liability — Damage — Damage for which compensation is available — Costs incurred for the proceedings (Art. 288, second para., EC) (see paras 88-89)*