

**Order of the Court (Sixth Chamber) of 27 October 2010 — Victor Guedes — Indústria e Comércio SA v Office for Harmonisation in the Internal Market (Trade Marks and Designs), Consorci de l'Espai Rural de Gallecs, established in Gallecs**

(Case C-342/09 P) <sup>(1)</sup>

*(Appeal — Community trade mark — Regulation (EC) No 40/94 — Article 8(1)(b) and (5) — Figurative mark Gallecs — Opposition by the proprietor of the national figurative marks GALLO, GALLO AZEITE NOVO, Azeite Novo and the Community figurative mark GALLO — Rejection of the opposition — Appeal in part clearly inadmissible and in part clearly unfounded)*

(2011/C 80/11)

Language of the case: English

#### Parties

*Appellant:* Victor Guedes — Indústria e Comércio SA (represented by: B. Braga da Cruz, advogado)

*Other parties to the proceedings:* Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM) (represented by: J. Crespo Carrillo, Agent), Consorci de l'Espai Rural de Gallecs, established in Gallecs

#### Re:

Appeal against the judgment of the Court of First Instance (Eighth Chamber) of 11 June 2009 in Case T-151/08 *Victor Guedes-Indústria e Comércio, SA v Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM)*, by which that Court dismissed an action brought by the proprietor of the national figurative marks 'GALLO', 'GALLO AZEITE NOVO' and 'GALLO AZEITE' and the Community figurative mark 'GALLO' for goods and services in Classes 29 and 31 against Decision R 986/2007-2 of the Second Board of Appeal of OHIM of 16 January 2008 dismissing the appeal lodged against the decision of the Opposition Division rejecting the opposition brought by the appellant against the application for registration of the figurative mark 'Gallecs' for goods in Classes 29, 31 and 35 — Infringement of Article 8(1)(b) and (5) of Regulation (EC) No 40/94

#### Operative part of the order

1. *The appeal is dismissed.*
2. *Victor Guedes — Indústria e Comércio SA shall pay the costs.*

<sup>(1)</sup> OJ C 267, 7.11.2009.

**Order of the Court (Fifth Chamber) of 16 September 2010 — Dominio de la Vega, SL v Office for Harmonisation in the Internal Market (Trade Marks and Designs), Ambrosio Velasco SA**

(Case C-459/09 P) <sup>(1)</sup>

*(Appeal — Community trade mark — Regulation (EC) No 40/94 — Article 8(1)(b) — Application for Community figurative mark DOMINIO DE LA VEGA — Earlier Community figurative mark PALACIO DE LA VEGA — Existence of a likelihood of confusion in part of the territory of the European Union — Assessment of the similarity between the marks — Dominant element)*

(2011/C 80/12)

Language of the case: Spanish

#### Parties

*Appellant:* Dominio de la Vega, SL (represented by: E. Caballero Oliver and A. Sanz-Bermell y Martínez, abogados)

*Other parties to the proceedings:* Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by: J. Crespo Carrillo, Agent), Ambrosio Velasco SA (represented by: E. Armijo Chávarri, abogado)

#### Re:

Appeal brought against the judgment of the Court of First Instance (Seventh Chamber) of 16 September 2009 in Case T-458/07 *Dominio de la Vega v OHIM* dismissing the action brought against the decision of the Second Board of Appeal of OHIM of 3 October 2007 (Case R 1431/2006-2) relating to opposition proceedings between Ambrosio Velasco, SA and Dominio de la Vega, SL

#### Operative part of the order

1. *The appeal is dismissed.*
2. *Dominio de la Vega SL shall pay the costs.*

<sup>(1)</sup> OJ C 24, 30.1.2010.