

7. *Acts of the institutions — Objection before the national court concerning the legality of a Union measure on the occasion of an action brought against a national implementing measure — Suspension granted of the national measure — Lawfulness — Conditions — Reference to the Court of Justice by means of a request for a preliminary ruling on validity — Serious and irreparable damage — Taking into account of the Union's interest (see para. 49)*

Re:

APPLICATION for suspension in part of Commission Decision C(2010) 8289 final of 14 December 2010 on State aid No C 38/2005 (ex NN 52/2004) granted by Germany to the Biria Group.

Operative part

1. The application for interim measures is dismissed.
2. Costs are reserved.

**Judgment of the General Court (Eighth Chamber) of 22 June 2011 —
Mundipharma v OHIM — Asociación Farmaceuticos Mundi (FARMA MUNDI
FARMACEUTICOS MUNDI)**

(Case T-76/09)

(Community trade mark — Opposition proceedings — Application for the Community figurative mark 'FARMA MUNDI FARMACEUTICOS MUNDI' — Earlier Community figurative mark 'mundipharma' — 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 30-31)

Re:

ACTION brought against the decision of the Second Board of Appeal of OHIM of 1 December 2008 (Case R 825/2008-2) concerning opposition proceedings between Mundipharma GmbH and Asociación Farmaceuticos Mundi.

Information relating to the case

Applicant for the Community trade mark:	Asociación Farmaceuticos Mundi
Community trade mark sought:	Figurative mark FARMA MUNDI FARMA-CEUTICOS MUNDI for goods and services in Classes 5, 35 and 39 — Application No 4841136
Proprietor of the mark or sign cited in the opposition proceedings:	Mundipharma GmbH
Mark or sign cited in opposition:	Community trade mark registration No 4304622 of the trade mark mundipharma for goods and services in Classes 5 and 44
Decision of the Opposition Division:	Opposition dismissed in part
Decision of the Board of Appeal:	Appeal dismissed

Operative part

The Court:

1. Dismisses the action;
2. Orders Mundipharma GmbH to pay the costs.

Judgment of the General Court (First Chamber) of 28 June 2011 — Oetker Nahrungsmittel v OHIM — Bonfait (Buonfatti)

(Case T-471/09)

(Community trade mark — Opposition proceedings — Application for Community word mark ‘Buonfatti’ — Earlier Benelux word mark Bonfait — No likelihood of confusion — 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 207/2009, Art. 8(1)(b)) (see paras 56-57, 86)

Re:

ACTION brought against the decision of the Fourth Board of Appeal of OHIM of 2 October 2009 (Case R 340/2007-4) relating to opposition proceedings between Bonfait BV and Dr. August Oetker Nahrungsmittel KG.