

**Judgment of the General Court (Seventh Chamber) of 30 September 2010 —
PVS v OHIM — MeDiTa Medizinische Kurierdienst (medidata)**

(Case T-270/09)

(Community trade mark — Opposition proceedings — Application for Community figurative mark medidata — Earlier national word mark MeDiTA — Relative ground for refusal — Likelihood of confusion — Similarity of the signs — Similarity of the services — 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, 54-55)

Re:

ACTION brought against the decision of the Fourth Board of Appeal of OHIM of 14 May 2009 (Case R 1724/2007-4) relating to opposition proceedings between MeDiTA Medizinische Kurierdienst- und Handelsgesellschaft mbH and PVS — Privatärztliche Verrechnungsstelle Rhein-Ruhr GmbH.

Information relating to the case

Applicant for the Community trade mark:	PVS — Privatärztliche Verrechnungsstelle Rhein-Ruhr GmbH
Community trade mark sought:	Figurative mark medidata in the colours blue, grey and white for services in Classes 35, 36, 41, 42 and 44 — Application No 4495842

Proprietor of the mark or sign cited in the opposition proceedings:	MeDiTA Medizinische Kurierdienst- und Handelsgesellschaft mbH
Mark or sign cited in opposition:	German word mark MeDiTA for services in Classes 35 and 39, whereas the opposition is directed against registration in Class 35
Decision of the Opposition Division:	Opposition upheld
Decision of the Board of Appeal:	Appeal dismissed

Operative part

1. Dismisses the action;
2. Orders Privatärztliche Verrechnungsstelle Rhein-Ruhr GmbH to pay the costs.

Order of the General Court (First Chamber) of 5 October 2010 — Provincie Groningen and Provincie Drenthe v Commission

(Case T-69/09)

(Annulment action — ERDF — Decision reducing financial assistance and ordering partial repayment of sums paid — Regional body — No direct concern — Inadmissibility)