

Decision of the Opposition Division: Opposition upheld.

Decision of the Board of Appeal: Opposition Division's decision annulled and the opposition rejected in its entirety.

Pleas in law: Incorrect interpretation and application of Article 8(1)(b) of Regulation No 207/2009.

Action brought on 30 November 2009 — ATB Norte v OHIM — Bricocenter Italia (Affiliato BRICO CENTER)

(Case T-483/09)

(2010/C 24/122)

Language in which the application was lodged: Spanish

Parties

Applicant: ATB Norte, SL (Burgos, Spain) (represented by: P. López Ronda, G. Macías Bonilla, H.L. Curtis-Oliver and G. Marín Raigal, lawyers)

Defendant: Office for Harmonisation in the Internal Market (Trade Marks and Designs)

Other party to the proceedings before the Board of Appeal of OHIM: Bricocenter Italia Srl (Rozzano Milanofiori (Milan), Italy)

Form of order sought

— Annul the decision of the Fourth Board of Appeal of OHIM of 28 September 2009 — R 1048/2008-4.

— Order the defendant to pay the costs.

Pleas in law and main arguments

Applicant for a Community trade mark: Bricocenter S.r.l.

Community trade mark concerned: Figurative mark containing the word element 'Affiliato BRICOCENTER' (Application No 4 939 344) in respect of services in Class 35.

Proprietor of the mark or sign cited in the opposition proceedings: ATB Norte, SL.

Mark or sign cited in opposition: Figurative Community trade marks containing the word elements 'CENTROS DE BRICOLAGE BRICOCENTRO' (No 3 262 623) and 'ATB CENTROS DE BRICOLAGE BRICOCENTRO' (No 989 046) in respect of services in Classes 35, 37 and 39.

Decision of the Opposition Division: Opposition upheld.

Decision of the Board of Appeal: Opposition Division's decision annulled and the opposition rejected in its entirety.

Pleas in law: Incorrect interpretation and application of Article 8(1)(b) of Regulation No 207/2009.

Order of the Court of First Instance of 27 November 2009 — Sellafeld v Commission

(Case T-121/06) ⁽¹⁾

(2010/C 24/123)

Language of the case: English

The President of the Court of First Instance (Seventh Chamber) has ordered that the case be removed from the register.

⁽¹⁾ C 154, 1.7.2006.

Order of the Court of First Instance of 23 November 2009 — Brilliant Hotelsoftware v OHIM (BRILLIANT)

(Case T-337/07) ⁽¹⁾

(2010/C 24/124)

Language of the case: German

The President of the Court of First Instance (Third Chamber) has ordered that the case be removed from the register.

⁽¹⁾ C 269, 10.11.2007.

Order of the Court of First Instance of 30 November 2009 — RedEnvelope v OHIM — Red Letter Days (redENVELOPE)

(Joined Cases T-415/07 and T-416/07) ⁽¹⁾

(2010/C 24/125)

Language of the case: English

The President of the Court of First Instance (Sixth Chamber) has ordered that the joined cases be removed from the register.

⁽¹⁾ C 8, 12.1.2008.