

**Order of the President of the General Court of 25 October 2011 —
DMA Die Marketing Agentur and Hofmann v Austria**

(Case T-472/11 R)

(Application for interim measures — No need to adjudicate)

Applications for interim measures — Interim measures — Main action dismissed in the meantime — Request which has become devoid of purpose — No need to adjudicate (Art. 279 TFEU) (see paras 3-4)

Re:

APPLICATION for suspension of forced execution of the judgment of the Oberster Gerichtshof (Austrian Supreme Court), of 15 September 2005, in case reference 4 Ob 145/05k.

Operative part

1. There is no need to adjudicate on the application for interim measures.
2. DMA Die Marketing Agentur GmbH and Axel Hofmann are ordered to bear their own costs.

**Judgment of the General Court (Second Chamber) of 26 October 2011 —
Bayerische Asphaltmischwerke v OHIM – Koninklijke BAM Groep (bam)**

(Case T-426/09)

(Community trade mark — Opposition proceedings — Application for the Community figurative mark BAM — Earlier national figurative mark BAM — Relative ground for refusal — Likelihood of confusion — No similarity of the goods — 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 61-62)

Re:

ACTION brought against the decision of the Second Board of Appeal of OHIM of 11 August 2009 (Case R 1005/2008-2), relating to opposition proceedings between Bayerische Asphaltmischwerke GmbH & Co. KG für Straßenbaustoffe and Koninklijke BAM Groep NV.

Operative part

The Court:

1. Dismisses the action;
2. Orders Bayerische Asphaltmischwerke GmbH & Co. KG für Straßenbaustoffe to pay, in addition to its own costs, the costs incurred by the Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM) and by Koninklijke BAM Groep NV, including, as regards the latter, the costs necessarily incurred for the purposes of the proceedings before the Board of Appeal.

**Judgment of the General Court (Fifth Chamber) of 26 October 2011 —
Intermark v OHIM — Natex International (NATY'S)**

(Case T-72/10)

(Community trade mark — Opposition proceedings — Application for Community word mark NATY'S — Earlier Community figurative mark Naty — Relative ground for refusal — Likelihood of confusion — Similarity of goods — Article 8(1)(b) of Regulation (EC) No 207/2009 — Partial rejection of opposition)