

**Order of the Court of First Instance of 23 November 2005
— Bustec Ireland v OHIM**

(Case T-218/05) ⁽¹⁾

**(Community trade mark — Opposition — Withdrawal of the
opposition — No need to adjudicate)**

(2006/C 48/66)

Language of the case: Spanish

Parties

Applicant: Bustec Ireland (Shanon, County Clare, Ireland) (represented by: E. Armijo Chávarri and A. Castán Pérez-Gómez, lawyers)

Defendant: Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by: J. García Murillo, Agent)

Other party to the proceedings before the Board of Appeal of OHIM: Mustek, S.L. (Barcelona, Spain)

Action

brought against the decision of the Second Board of Appeal of OHIM of 22 March 2005 (Case R 1125/2004-2) relating to opposition proceedings brought against the registration of the Community trade mark BUSTEC

Operative part of the judgment

The Court:

1. Declares it no longer necessary to give judgment on the action;
2. Orders each party to bear its own costs.

⁽¹⁾ OJ C 182 of 23.7.2005.

Action lodged on 31 October 2005 — Multikauf v OHIM

(Case T-395/05)

(2006/C 48/67)

Language of the case: German

Parties

Applicant: Multikauf Warenhandels-gesellschaft mBH (Krailling, Germany) (represented by: M. Bahmann, lawyer)

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

Other party to the proceedings before the Board of Appeal: Demo Holding S.A. (Luxembourg, Luxembourg)

Forms of order sought

The applicant claims that the Court should:

- annul the decision of the First Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) of 20 June 2005 — served on the applicant's agent by DHL on 31 August 2005 — in appeal proceedings R 895/2004-1
- dismiss the objection raised by the third party through its agent on 18 September 2001 to registration of the Community trade mark 1841121 'webmulti'.

Pleas in law and main arguments

Applicant for Community trade mark: The applicant

Community trade mark sought: The word mark 'webmulti' for goods and services in Classes 3, 7, 8, 9, 16, 20, 21, 25 and 30 — Registration application No 1 841 121

Proprietor of mark or sign cited in opposition proceedings: Demo Holding S.A.

Mark or sign cited in opposition: The Community, national and international word and figurative marks 'WEB' for goods in Classes 3, 9 and 25

Decision of the Opposition Division: The opposition was allowed and the registration in respect of certain goods referred to in the application was refused

Decision of the Board of Appeal: The applicant's appeal was dismissed

Pleas in law: The opposing marks were not used for some of the goods.

Action brought on 14 November 2005 — Eerola v Commission

(Case T-410/05)

(2006/C 48/68)

Language of the case: French

Parties

Applicant: Iiro Eerola (Brussels, Belgium) (represented by: S. Orlandi, A. Coolen, J.-N. Louis and E. Marchal, lawyers)

Defendant: Commission of the European Communities

Form of order sought

The applicant claims that the Court should:

- annul the decision of the Commission refusing to grant to the applicant the expatriation allowance provided for in Article 4(1) of Annex VII to the Staff Regulations;
- order the defendant to pay the costs.