

Judgment of the Court of First Instance of 12 January 2006 — Devinlec v OHIM

(Case T-147/03) ⁽¹⁾

(Community trade mark — Figurative mark containing the verbal element 'quantum' — Opposition of the proprietor of the national figurative mark Quantième — Relative ground of refusal — Likelihood of confusion — Article 8(1)(b), Article 15(2) and Article 43(3) of Regulation (EC) No 40/94)

(2006/C 74/31)

Language of the case: English

Parties:

Applicant: Devinlec Développement Innovation Leclerc SA (Toulouse, France) (represented by: J.-P. Simon, lawyer)

Defendant: Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by: J. Novais Gonçalves and A. Folliard-Monguiral, Agents)

Other party to the proceedings before the Board of Appeal of OHIM, intervening before the Court of First Instance: T.I.M.E. ART Uluslararası Saat Ticareti ve dış Ticaret AŞ (Istanbul, Turkey) (represented by: F. Jacobacci, lawyer)

Action

brought against against the decision of the Third Board of Appeal of OHIM of 30 January 2003 (Case R 109/2002-3) relating to opposition proceedings between Devinlec Développement Innovation Leclerc SA and T.I.M.E. Art Uluslararası Saat Ticareti ve dış Ticaret AŞ

Operative part of the judgment

The Court:

1. Annuls the decision of the Third Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) of 30 January 2003 (Case R 109/2002-3).
2. Orders the Office for Harmonisation in the Internal Market (Trade Marks and Designs) to pay its own costs and those incurred by the applicant in the proceedings before the Court.
3. Orders the intervener to pay its own costs and those incurred by the applicant in the proceedings before the Board of Appeal.

⁽¹⁾ OJ C 171 of 19.7.2003.

Judgment of the Court of First Instance of 25 January 2006 — Le Canne v Commission

(Case T-276/03) ⁽¹⁾

(Judgment annulling a Commission decision reducing the amount of Community financial assistance — Procedures for compliance — Action for failure to act — No need to adjudicate — Action for compensation)

(2006/C 74/32)

Language of the case: Italian

Parties

Applicant: Azienda agricola 'Le Canne' (Porto Viro, Italy) (represented by: F. Mazzonetto and G. Carraro, lawyers)

Defendant: Commission of the European Communities (represented by: L. Visaggio and C. Cattabriga, Agents, assisted by A. Dal Ferro, lawyer)

Application for

First, a declaration that the Commission unlawfully failed to adopt the measures to comply with the judgment of the Court of First Instance of 5 March 2002 in Case T-241/00 *Le Canne v Commission* [2002] ECR II-1251 and, second, compensation for the loss alleged to have resulted from that failure

Operative part of the judgment

The Court:

1. Declares that there is no need to adjudicate on the claim alleging failure to act;
2. Dismisses the claim for compensation;
3. Orders the parties to bear their own costs.

⁽¹⁾ OJ C 239 of 4.10.2003.