

Judgment of the Court of First Instance of 1 February 2006 — Rodrigues Carvalhais v OHIM

(Case T-206/04) ⁽¹⁾

(Community trade mark — Opposition proceedings — Figurative mark containing the verbal element ‘PERFIX’ — Earlier Community figurative trade mark containing the verbal element ‘cerfix’ — Relative ground for refusal — Likelihood of confusion — Article 8(1)(b) of Regulation (EC) No 40/94)

(2006/C 86/50)

Language of the case: Portuguese

Parties

Applicant: Fernando Rodrigues Carvalhais (Almada, Portugal) (represented by: P. Graça initially, then J. Lopes, lawyers)

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

Other party to the proceedings before the Board of Appeal of OHIM, intervening before the Court of First Instance: Profilpas Snc (Cadoneghe, Italy) (represented by: J.L. Revenga Santos initially, then J.M. Monravá, lawyers)

Action

brought against the decision of the First Board of Appeal of OHIM of 18 March 2004 (Case R 408/2003-1), concerning opposition proceedings between M. Fernando Rodrigues Carvalhais and Profilpas Snc

Operative part of the judgment

The Court:

1. Dismisses the action.
2. Orders the applicant to pay the costs.

⁽¹⁾ OJ C 217 of 28.8.2004.

Judgment of the Court of First Instance of 1 February 2006 — Elisabetta Dami v OHIM

(Joined Cases T-466/04 and T-467/04) ⁽¹⁾

(Community trade mark — Word mark GERONIMO STILTON — Opposition — Stay of proceedings — Restriction of the list of goods designated by the mark for which registration is sought — Withdrawal of the opposition)

(2006/C 86/51)

Language of the case: French

Parties

Applicant: Elisabetta Dami (Milan, Italy) (represented by: P. Beduschi and S. Giudici, lawyers)

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

Other party to the proceedings before the Board of Appeal of OHIM: The Stilton Cheese Makers Association (Surbiton, Surrey, United Kingdom)

Action

Two actions against the decisions of the Second Board of Appeal of OHIM of 20 September 2004 (Cases R 973/2002-2 and R 982/2002-2) concerning opposition proceedings between Mrs Elisabetta Dami and The Stilton Cheese Makers Association,

Operative part of the judgment

The Court:

1. annuls the decisions of the Second Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM) of 20 September 2004 (Cases R 973/2002-2 and R 982/2002-2);
2. orders OHIM to pay the costs.

⁽¹⁾ OJ C 69, 19.3.2005.