

Pleas in law and main arguments

Applicant for a Community trade mark: the applicant

Community trade mark concerned: the word mark 'Tomorrow Focus' for goods and services in Classes 9, 16, 35, 38, 41 and 42 (application No 2382455)

Proprietor of the mark or sign cited in the opposition proceedings: Information Builders (Netherlands) B.V.

Mark or sign cited in opposition: the figurative mark 'Focus' for goods and services in Classes 9, 16 and 42 (Community trade mark No 68585)

Decision of the Opposition Division: grant of the opposition and rejection of the application in respect of classes 9 and 42

Decision of the Board of Appeal: annulment of the contested decision, rejection of the application for certain goods and services in Classes 9 and 42 and rejection of the remainder of the opposition

Pleas in law: infringement of Article 8(1)(b) of Regulation (EC) No 40/94 ⁽¹⁾ on the ground that it was incorrectly held that there was a likelihood of confusion between the trade marks compared.

⁽¹⁾ Council Regulation (EC) No 40/94 of 20 December 1993 on the Community trade mark (OJ 1994 L 11, p. 1).

Action brought on 17 March 2006 — Tsakiris-Mallas A.E. v OHIM

(Case T -96/06)

(2006/C 108/52)

Language in which the application was lodged: Greek

Parties

Applicant: Tsakiris-Mallas A.E. (Aryiroupoli, Attica, Greece) (represented by: Kharalambos Samaras, lawyer)

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

Other party to the proceedings before the Board of Appeal of OHIM: Late Editions Limited (Leighton Buzzard, United Kingdom)

Form of order sought

— Annulment of the decision of the Second Board of Appeal of 11 January 2006 in Case R 1127/2004-2.

Pleas in law and main arguments

Applicant for a Community trade mark: Tsakiris-Mallas A.E.

Community trade mark concerned: figurative mark exë for goods in Classes 18 and 25 — Application No 2 190 015

Proprietor of the mark or sign cited in the opposition proceedings: Late Editions Limited

Mark or sign cited in opposition: National mark EXE for goods in Class 25

Decision of the Opposition Division: Opposition accepted for some of the goods

Decision of the Board of Appeal: Appeal dismissed

Pleas in law: Infringement of Article 8(1)(b) of Council Regulation No 40/94

Order of the Court of First Instance (Third Chamber of 15 March 2006 — Aries Meca v Commission

(Case T -275/04) ⁽¹⁾

(2006/C 108/53)

Language of the case: French

The President of the Third Chamber has ordered that the case be removed from the register.

⁽¹⁾ OJ C 262, 23.10.2004.

Order of the Court of First Instance of 10 March 2006 — Success-Marketing v OHIM

(Case T -506/04) ⁽¹⁾

(2006/C 108/54)

Language of the case: German

The President of the Fifth Chamber has ordered that the case be removed from the register.

⁽¹⁾ OJ C 193 6.8.2005.