

**Judgment of the Court of First Instance of 7 September 2006 — Meric v OHIM — Arbora & Ausonia (PAM-PIM'S BABY-PROP)**

(Case T-133/05) <sup>(1)</sup>

*(Community trade mark — Opposition proceedings — Earlier national figurative and word marks PAM-PAM — Application for Community word mark PAM-PIM'S BABY-PROP — Relative ground for refusal — Article 8(1)(b) of Regulation (EC) No 40/94)*

(2006/C 281/60)

*Language of the case: French*

**Parties**

*Applicant:* Gérard Meric (Paris, France) (represented by: P. Murzeau, lawyer)

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

*Other party to the proceedings before the Board of Appeal of OHIM:* Arbora & Ausonia, SL (Barcelona, Spain)

**Re:**

Action brought against the decision of the First Board of Appeal of OHIM of 17 January 2005 in Case R 250/2004-1, regarding the opposition of the proprietor of the national word and figurative marks PAM-PAM to the registration of the word mark PAM-PIM'S BABY-PROP (opposition proceedings No B 505 067).

**Operative part of the judgment**

*The Court:*

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

<sup>(1)</sup> OJ C 143, 11.6.2005.

**Order of the Court of First Instance of 6 September 2006 — Bayer CropScience and Others v Commission**

(Case T-34/05) <sup>(1)</sup>

*(Plant protection products — Active substance endosulfan — Reexamination of authorisation for placing products on the market — Action for failure to act — No need to adjudicate)*

(2006/C 281/61)

*Language of the case: English*

**Parties**

*Applicants:* Bayer CropScience AG (Monheim, Germany), Makh-teshim-Agan Holding BV (Amsterdam, Netherlands), Alfa Geor-gika Efodia AEVE (Athens, Greece) and Aragonesas Agro, SA (Madrid, Spain) (represented by: C. Mereu and K. Van Maldegem, lawyers)

*Defendant:* Commission of the European Communities (repre-sented by: B. Doherty, Agent)

*Intervener in support of the applicants:* European Crop Protection Association (ECPA) (Brussels, Belgium) (represented by: D. Waelbroeck, U. Zinsmeister and N. Rampal, lawyers)

*Intervener in support of the defendant:* Kingdom of Spain (repre-sented by: J. Rodríguez Cárcamo, lawyer)

**Re:**

Action for failure to act seeking a declaration that the Commis-sion unlawfully failed to review the data submitted by the applicants in the course of the procedure for review of the authorisation to place the active substance endosulfan on the market, laid down by Council Directive 91/414/EEC of 15 July 1991 concerning the placing of plant protection products on the market (OJ 1991 L 230, p. 1).

**Operative part of the order**

1. There is no need to adjudicate on the present application.
2. The Commission and the applicants shall bear their own costs.
3. With regard to costs incurred in connection with the application for interim measures, the Commission and the applicants shall to bear their own costs.