

**Operative part of the judgment**

The Court:

1. Dismisses the action;
2. Orders Armacell Enterprise GmbH to bear its own costs and to pay those incurred by the Office for Harmonisation in the Internal Market (Trade Marks and Designs) and nmc SA.

(<sup>1</sup>) OJ C 171, 9.7.2005.

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**Order of the Court of First Instance of 6 September 2006 — Hensotherm v OHIM — Hensel (HENSOTHERM)**

(Case T-366/04) (<sup>1</sup>)

**(Community trade mark — Cancellation proceedings — Community figurative and word mark HENSOTHERM — National word mark HENSOTHERM — Inadmissibility of the appeal against the decision conferring the cancellation — Time-limits — Restitutio in integrum)**

(2006/C 310/33)

Language of the case: Swedish

**Parties**

*Applicant:* Hensotherm AB (Trelleborg, Sweden) (represented by: S. Hallbäck, lawyer)

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

*Other party to the proceedings before the Board of Appeal of OHIM, intervener before the Court of First Instance:* Rudolf Hensel GmbH (Börnsen, Germany) (represented by: M. Zöbisch, lawyer)

**Re:**

Action brought against the decision of the First Board of Appeal of OHIM of 12 July 2004 (Case R 614/2003-1), concerning proceedings for invalidity of the Community figurative mark HENSOTHERM.

**Operative part of the order**

1. The action is dismissed;
2. The applicant is ordered to pay its own costs as well as those of the Office for Harmonisation in the Internal Market (Trade Marks and Designs);
3. The intervener is ordered to pay its own costs.

(<sup>1</sup>) OJ C 31, 5.2.2005.

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**Order of the President of the Court of First Instance of 13 October 2006 — Vischim v Commission**

(Case T-420/05 R II)

**(Application for interim measures — Application for suspension of operation — Directive 91/414/EEC — Fresh application — Urgency — None)**

(2006/C 310/34)

Language of the case: English

**Parties**

*Applicant:* Vischim Srl (Cesano Maderno, Italy), (represented by C. Mereu and K. Van Maldegem, lawyers)

*Defendant:* Commission of the European Communities (represented by B. Doherty and L. Parpala, lawyers)

**Re:**

Application for suspension of the deadline of 31 August 2006 set by Article 3 of Commission Directive 2005/53/EC of 16 September 2005 amending Council Directive 91/414/EEC to include chlorothalonil, chlorotoluron, cypermethrin, daminozide and thiophanate-methyl as active substances (OJ 2005 L 241, p.51)

**Operative part of the order**

1. The application for interim measures is dismissed.
2. Costs are reserved.

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**Order of the Court of First Instance of 6 October 2006 — Biofarma v OHIM — Anca Health Care (CAFON)**

(Case T-442/05) (<sup>1</sup>)

**(Community trade mark — Withdrawal of the application for registration — No need to adjudicate)**

(2006/C 310/35)

Language of the case: Spanish

**Parties**

*Applicant:* Biofarma (Madrid, Spain) (represented by: V. Gil Vega and A. Ruiz López, lawyers)

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