

**Form of order sought**

- annul the decision of the First Board of Appeal of OHIM of 7 September 2006 in Case R 1024/2005-1 and, allowing the appeal lodged against Decision No 2205/2005 of the Opposition Division, reject Community trade mark application No 2.269.256 (figurative mark Stradivari 1715) and order the applicant for a Community trade mark to pay the costs of both sets of proceedings;
- order OHIM to bear its own costs and to pay those incurred by the applicant in the present action;
- if necessary, order the intervener to bear her own costs and to pay those incurred by the applicant in these proceedings.

**Pleas in law and main arguments**

*Applicant for a Community trade mark:* Cristina Ricci.

*Community trade mark concerned:* Figurative mark 'Stradivari 1715' (application for registration No 2.269.256) for products in classes 14, 16 and 18.

*Proprietor of the mark or sign cited in the opposition proceedings:* The applicant.

*Mark or sign cited in opposition:* Figurative mark 'Stradivarius', for products in classes 14 and 16 (No 1.246.164) and 18 (No 506.469).

*Decision of the Opposition Division:* Opposition dismissed.

*Decision of the Board of Appeal:* Appeal dismissed.

*Pleas in law:* Incorrect application of Article 8(1)(b) and (5) of Regulation (EC) No 40/94 on the Community Trade Mark.

**Action brought on 1 December 2006 — Compagnie générale de Diététique v OHIM (GARUM)**

(Case T-341/06)

(2006/C 326/164)

*Language in which the application was lodged:* French

**Parties**

*Applicant:* Compagnie générale de Diététique SAS (Caen, France) (represented by: J.-J. Evrard and T. de Haan, lawyers)

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

**Form of order sought**

The applicant claims that the Court should:

- annul the contested decision;
- order OHIM to pay the costs.

**Pleas in law and main arguments**

*Community trade mark concerned:* The word mark 'GARUM' for goods in Class 29 (application No 3501939)

*Decision of the Examiner:* Refusal of the application

*Decision of the Board of Appeal:* Dismissal of the appeal

*Pleas in law:* Infringement of Article 7(1)(b) of Council Regulation No 40/94 <sup>(1)</sup> in that, contrary to the finding by the Board of Appeal of OHIM in the contested decision, its mark is not descriptive in relation to the goods designated and having regard to the relevant public.

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

**Action brought on 1 December 2006 — Angiotech Pharmaceuticals v OHIM (VASCULAR WRAP)**

(Case T-342/06)

(2006/C 326/165)

*Language of the case:* English

**Parties**

*Applicant:* Angiotech Pharmaceuticals, Inc. (Vancouver, Canada) (represented by: T. Clark, Barrister)

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

**Form of order sought**

- Annul decision R 751/2006-2 of the Second Board of Appeal, dated 20 September 2006, and remit the application to the Office of Harmonisation in the Internal Market to allow it to proceed; or
- in the alternative, if the Court finds that the application should only be allowed to proceed in relation to some of the goods the subject of the application, it should annul the decision of the Second Board of Appeal in relation to those goods only and remit the application to proceed before the Office in accordance with that finding;
- order that the Office pay the applicant's costs.