

**Re:**

Application for the suspension of operation of Article 2(1) in combination with Article 1(2) to (4) of the Commission's decision concerning State aid (C 11/2004 (ex NN 4/2003) — Olympic Airways — Restructuring and privatisation) of 14 September 2005.

**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 26 January 2007 —  
Theofilopoulos v Commission**

(Case T-91/06) <sup>(1)</sup>

*(Action for compensation — Application for return of letters of guarantee — Court of First Instance not having jurisdiction — Inadmissibility of action — Action clearly devoid of legal foundation)*

(2007/C 82/84)

*Language of the case: Greek*

**Parties**

*Applicant:* Nikolaos Theofilopoulos (Athens, Greece) (represented by P. Miliarakis, lawyer)

*Defendant:* Commission of the European Communities (represented by L. Ström van Lier and I. Chatziannidis, agents)

**Subject-matter**

Action for compensation and application seeking the return of letters of guarantee.

**Operative part**

- 1) *The action is dismissed.*
- 2) *Mr Nikolaos Theofilopoulos is ordered to pay the costs.*

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<sup>(1)</sup> OJ C 190 of 12.8.2006.

**Order of the Court of First Instance of 24 January 2007 —  
MIP Metro v OHIM — MetroRED Telecom (MetroRED)**

(Case T-124/06) <sup>(1)</sup>

*(Community trade mark — Opposition proceedings —  
No need to adjudicate)*

(2007/C 82/85)

*Language of the case: English*

**Parties**

*Applicant:* MIP Metro Group Intellectual Property GmbH & Co. KG (Düsseldorf, Germany) (represented by: R. Kaase, lawyer)

*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:* MetroRED Telecom Group Ltd (Hamilton, Bermuda)

**Re:**

Action brought against the decision of the Second Board of Appeal of OHIM of 16 February 2006 (Case R 266/2005-2), relating to opposition proceedings between MIP Metro Group Intellectual Property GmbH & Co. KG and MetroRED Telecom Group Ltd.

**Operative part of the judgment**

1. *There is no need to adjudicate on the action.*
2. *Each party shall bear its own costs.*

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<sup>(1)</sup> OJ C 143, 17.6.2006.

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**Action brought on 17 January 2007 — Torres v OHIM**

(Case T-16/07)

(2007/C 82/86)

*Language in which the application was lodged: Spanish*

**Parties**

*Applicant:* Torres (Barcelona, Spain) (represented by: E. Armijo Chávarri, M. Baz de San Ceferino, A. Castán Pérez Gómez, lawyers)

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

*Other party to the proceedings before the Board of Appeal of OHIM:* Sociedad Cooperativa del Campo San Ginés

#### **Form of order sought**

— The annulment of the decision of 6 November 2006 of the 2nd Board of Appeal of OHIM issued in case R36/2006-2 with costs awarded against OHIM

#### **Pleas in law and main arguments**

*Applicant for a Community trade mark:* Sociedad Cooperativa del Campo San Ginés

*Community trade mark concerned:* Word mark 'TORRE DE BENITEZ' for products in class 33 (application No. 2.438.018)

*Proprietor of the mark or sign cited in the opposition proceedings:* Applicant

*Mark or sign cited in opposition:* International or national trade marks under the word mark 'Torres' for products in class 33, numerous other Community, international and national trade marks

*Decision of the Opposition Division:* Rejection of the opposition

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

*Pleas in law:* Infringement of Article 8(1)(b) of Regulation (EC) 40/94 <sup>(1)</sup> given that there is a likelihood of confusion between the trade marks at issue

<sup>(1)</sup> Council Regulation (EC) No 40/94 of 20 December 1993 on the Community trade mark.

**Action brought on 16 January 2007 — Miguel Torres, S.L. v OHIM**

**(Case T-17/07)**

(2007/C 82/87)

*Language in which the application was lodged:* Spanish

#### **Parties**

*Applicant:* Miguel Torres, S.L. (Barcelona, Spain) (represented by: E. Armijo Chávarri, M. Baz de San Cerefino, A. Castán Pérez-Goméz, lawyers)

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

*Other party to the proceedings before the Board of Appeal of OHIM:* Bodegas Navarro López, S.L.

#### **Form of order sought**

— The annulment of the decision of the 1st Board of Appeal of OHIM of 26 September 2006 issued in case no R1407/2005-1 with costs awarded against OHIM

#### **Pleas in law and main arguments**

*Applicant for a Community trade mark:* Bodegas Navarro López, S.L.

*Community trade mark concerned:* Word mark 'CITA DEL SOL' for products and services within classes 33 and 39 (application No. 2.712.982)

*Proprietor of the mark or sign cited in the opposition proceedings:* Applicant

*Mark or sign cited in opposition:* Community word mark 'VIÑA SOL' (mark no 462.523) and national word marks 'VIÑA SOL' for products within class 33, label 'TORRES VIÑA SOL' for products within class 33, national word mark 'SOL' for products within class 33.

*Decision of the Opposition Division:* Rejection of objection

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

*Pleas in law:* Infringement of Article 8(1)(b) of Regulation (EC) No 40/94 <sup>(1)</sup> given that there is a likelihood of confusion between the marks at issue.

<sup>(1)</sup> Council Regulation (EC) No 40/94 of 20 December 1993 on the Community trade mark.

**Action brought on 6 February 2007 — ThyssenKrupp Stainless v Commission**

**(Case T-24/07)**

(2007/C 82/88)

*Language of the case:* German

#### **Parties**

*Applicant:* ThyssenKrupp Stainless AG (Duisburg, Germany) (represented by: M. Klusmann and S. Thomas)

*Defendant:* Commission of the European Communities