

## COURT OF FIRST INSTANCE

**Judgment of the Court of First Instance of 12 October 2007 — Pergan Hilfsstoffe für industrielle Prozesse v Commission**

(Case T-474/04) <sup>(1)</sup>

*(Competition — Agreements, decisions and concerted practices — Organic peroxides — Decision refusing a request for removal of certain passages from the definitive published version of a decision finding an infringement of Article 81 EC — Disclosure of information concerning the applicant by publishing a decision not addressed to it — Article 21 of Regulation No 17 — Professional secrecy — Article 287 EC — Presumption of innocence — Annulment)*

(2007/C 283/44)

*Language of the case: German*

### Parties

*Applicant:* Pergan Hilfsstoffe für industrielle Prozesse GmbH (Bocholt, Germany) (represented by: M. Klusmann and F. Wiemer, lawyers)

*Defendant:* Commission of the European Communities (represented by: A. Bouquet, Agent, assisted by A. Böhlke, lawyer)

### Re:

Application for the annulment of Commission Decision (2004) D/204343 of 1 October 2004 in so far as it rejects the applicant's request for removal of all references to it in the definitive published version of Commission Decision 2005/349/EC of 10 December 2003 relating to a proceeding under Article 81 [EC] and Article 53 of the EEA Agreement (Case COMP/E-2/37.857 — Organic peroxides) (OJ 2005 L 110, p. 44).

### Operative part of the judgment

*The Court:*

1. Annuls Commission Decision (2004) D/204343 of 1 October 2004;
2. Orders the Commission to pay the costs.

<sup>(1)</sup> OJ C 45, 19.2.2005.

**Judgment of the Court of First Instance of 4 October 2007 — Advance Magazine Publishers v OHIM — J. Capela & Irmãos Lda (VOGUE)**

(Case T-481/04) <sup>(1)</sup>

*(Community trade mark — Opposition proceedings — Application for a Community word mark VOGUE — Earlier national word mark VOGUE Portugal — Facts raised for the first time before the Board of Appeal — Extent of the examination carried out by the Board of Appeal)*

(2007/C 283/45)

*Language of the case: English*

### Parties

*Applicant:* Advance Magazine Publishers, Inc., established in New York, New York (United States), represented by M. Esteve Sanz, lawyer,

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

*Other party in the proceedings before the Board of Appeal of OHIM:* J. Capela & Irmãos, L.<sup>da</sup>, (Porto, Portugal),

### Re:

Action brought against the decision of the Second Board of Appeal (OHIM) of 27 September 2004 (Case R 328/2003-2), concerning opposition proceedings between J. Capela & Irmãos, L.<sup>da</sup> and Advance Magazine Publishers, Inc.

### Operative part of the judgment

1. Annuls the decision of the Second Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM) of 27 September 2004 (Case R 328/2003-2);
2. Orders OHIM to bear its own costs and those incurred by Advance Magazine Publishers, Inc.

<sup>(1)</sup> OJ C 57, 5.3.2005.