

4. *Orders the Commission to bear one-tenth of its own costs and one-tenth of the costs incurred by MyTravel Group.*

(¹) OJ C 10, 14.1.2006.

Judgment of the Court of First Instance of 10 September 2008 — Astex Therapeutics v OHIM — Protec Health International (astex TECHNOLOGY)

(Case T-48/06) (¹)

(Community trade mark — Opposition proceedings — Application for the Community figurative mark astex TECHNOLOGY — Earlier Community word mark ASTEX — Ground for refusal — Likelihood of confusion — Restriction of the goods designated in the trade mark application — Article 8(1)(b) of Regulation No 40/94)

(2008/C 272/34)

Language of the case: English

Parties

Applicant: Astex Therapeutics Ltd (Cambridge, United Kingdom) (represented by: M. Edenborough, barrister, and R. Harrison, solicitor)

Defendant: Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by: A. Folliard-Monguiral, acting as Agent)

Other party to the proceedings before the Board of Appeal of OHIM intervening before the Court of First Instance: Protec Health International Ltd (Cirencester, United Kingdom)

Re:

Action brought against the decision of the Second Board of Appeal of OHIM of 29 November 2005 (Case R 651/2004-2) concerning opposition proceedings between Protec Health International Ltd and Astex Therapeutics Ltd.

Operative part of the judgment

The Court:

1. Dismisses the action.
2. Orders Astex Therapeutics Ltd to pay the costs.

(¹) OJ C 86, 8.4.2006.

Judgment of the Court of First Instance of 9 September 2008 — Bayer CropScience and Others v Commission

(Case T-75/06) (¹)

(Directive 91/414/EEC — Plant protection products — Endosulfan as an active substance — Withdrawal of marketing authorisations — Evaluation procedure — Time-limits — Rights of the defence — Principle of proportionality)

(2008/C 272/35)

Language of the case: English

Parties

Applicants: Bayer CropScience AG (Monheim am Rhein, Germany); Makhteshim-Agan Holding BV (Rotterdam, Netherlands); Alfa Georgika Efodia A EVE (Athens, Greece); and Aragonesas Agro, SA (Madrid, Spain) (represented by: C. Mereu and K. Van Maldegem, lawyers)

Defendant: Commission of the European Communities (represented by: B. Doherty and L. Parpala, acting as Agents)

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

Intervener in support of the defendant: Kingdom of Spain (represented by: J. Rodríguez Cárcamo, abogado del Estado)

Re:

APPLICATION for the annulment of Commission Decision 2005/864/EC of 2 December 2005 concerning the non-inclusion of Endosulfan in Annex I to Council Directive 91/414/EEC and the withdrawal of authorisations for plant protection products containing that active substance (OJ 2005 L 317, p. 25)

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Bayer CropScience AG, Makhteshim-Agan Holding BV, Alfa Georgika Efodia A EVE and Aragonesas Agro, SA to bear their own costs and to pay those incurred by the Commission;
3. Orders the Kingdom of Spain and the European Crop Protection Association (ECPA) to bear their own costs.

(¹) OJ C 96, 22.4.2006.