

*Defendant:* Council of the European Union (represented by: E. Finnegan, G. Van Hegelsom and B. Driessen, Agents)

*Interveners in support of the defendant:* Kingdom of the Netherlands (represented by: C. Wissels and M. De Mol, and, in Case T-37/07, M. de Grave and, in Case T-323/07, Y. de Vries and M. Noort, Agents); and Commission of the European Communities (represented: in Case T-37/07 by S. Boelaert and J. Aquilina, and in Case T-323/07 by P. van Nuffel and S. Boelaert, Agents)

#### Re:

Action for the annulment, in part, of, first, Council Decision 2007/445/EC of 28 June 2007 implementing Article 2(3) of Regulation (EC) No 2580/2001 on specific restrictive measures directed against certain persons and entities with a view to combating terrorism and repealing Decisions 2006/379/EC and 2006/1008/EC (OJ 2007 L 169, p. 58) and, second, Council Decision 2006/1008/EC of 21 December 2006 implementing Article 2(3) of Regulation (EC) No 2580/2001 on specific restrictive measures directed against certain persons and entities with a view to combating terrorism (OJ 2006 L 379, p. 123), in so far as the name of the applicant appears on the lists of persons, groups and entities to which those provisions apply.

#### Operative part of the judgment

*The Court:*

1. Dismisses the actions;
2. Orders Mr Mohamed El Morabit to bear his own costs and pay those of the Council;
3. Orders the Commission of the European Communities and the Kingdom of the Netherlands to bear their own costs.

<sup>(1)</sup> OJ C 82, 14. 4. 2007.

**Judgment of the Court of First Instance of 14 September 2009 — Lange Uhren v OHIM (Geometric shapes on a watch-face)**

(Case T-152/07) <sup>(1)</sup>

**(Community trade mark — Application for a Community figurative mark — Geometric shapes on a watch-face — Absolute ground for refusal — Lack of distinctive character — Article 7(1)(b) of Regulation (EC) No 40/94 (now Article 7(1)(b) of Regulation (EC) No 207/2009) — Lack of distinctive character acquired through use — Article 7(3) of Regulation No 40/94 (now Article 7(3) of Regulation No 207/2009)**

(2009/C 256/43)

*Language of the case: German*

#### Parties

*Applicant:* Lange Uhren GmbH (Glashütte, Germany) (represented by: M. Schaeffer, lawyer)

*Defendant:* Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by: M. Kicia, acting as Agent)

#### Re:

Action brought against the decision of the First Board of Appeal of OHIM of 15 February 2007 (Case R 1176/2005-1) concerning an application for registration as a Community trade mark of a figurative sign representing geometric shapes on a watch-face.

#### Operative part of the judgment

*The Court:*

1. Dismisses the action;
2. Orders Lange Uhren GmbH to pay the costs.

<sup>(1)</sup> OJ C 155, 7.7.2007.

**Judgment of the Court of First Instance of 3 September 2009 — Cheminova and Others v Commission**

(Case T-326/07) <sup>(1)</sup>

**(Plant-protection products — Active substance ‘malathion’ — Non-inclusion in Annex I to Directive 91/414/EEC — Action for annulment — Locus standi — Admissibility — Evaluation procedure — Assessment by EFSA — Plea of illegality — Article 20 of Regulation (EC) No 1490/2002 — Submission of new studies — Article 8(2) and (5) of Regulation (EC) No 451/2000 — Legitimate expectation — Proportionality — Equal treatment — Principle of sound administration — Rights of the defence — Principle of subsidiarity — Article 95(3) EC, Articles 4(1) and 5(1) of Directive 91/414)**

(2009/C 256/44)

*Language of the case: English*

#### Parties

*Applicants:* Cheminova A/S (Harboøre, Denmark); Cheminova Agro Italia Srl (Rome, Italy); Cheminova Bulgaria EOOD (Sofia, Bulgaria); Agrodan, SA, (Madrid Spain); and Lodi SAS (Grand-Fougeray, France) (represented by: C. Mereu and K. Van Maldegem, lawyers, and P. Sellar, Solicitor)

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

#### Re:

Annulment of Commission Decision 2007/389/EC of 6 June 2007 concerning the non-inclusion of malathion in Annex I to Council Directive 91/414/EEC and the withdrawal of authorisations for plant protection products containing that substance (OJ 2007 L 146, p. 19)

**Operative part of the judgment**

The Court:

1. Dismisses the action.
2. Orders Cheminova A/S, Cheminova Agro Italia Srl, Cheminova Bulgaria EOOD, Agrodan, SA and Lodi SAS to bear their own costs and to pay those incurred by the Commission, including those relating to the application for interim measures.

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(<sup>1</sup>) OJ C 247, 20.10.2007.

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**Judgment of the Court of First Instance of 15 September 2009 — Royal Appliance International v OHIM — BSH Bosch und Siemens Hausgeräte (Centrixx)**

(Case T-446/07) (<sup>1</sup>)

*(Community trade mark — Opposition procedure — Application for Community word mark Centrixx — Earlier national word mark sensixx — Relative ground for refusal — Likelihood of confusion — Article 8(1)(b) of Regulation (EC) No 40/94 (now Article 8(1) of Regulation (EC) No 207/2009)*

(2009/C 256/45)

Language of the case: German

**Parties**

**Applicant:** Royal Appliance International GmbH (Hilden, Germany) (represented by: K.-J. Michaeli and M. Schork, lawyers)

**Defendant:** Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by: S. Schäffner and B. Schmidt, Agents)

*Other party to the proceedings before the Board of Appeal of OHIM intervening before the Court of First Instance:* BSH Bosch und Siemens Hausgeräte GmbH (Munich, Germany) (represented by: S. Biagosch, lawyer)

**Re:**

Action brought against the decision of the Fourth Board of Appeal of OHIM of 3 October 2007 (Case R 572/2006-4) concerning opposition proceedings between BSH Bosch und Siemens Hausgeräte GmbH and Royal Appliance International GmbH.

**Operative part of the judgment**

The Court:

1. Dismisses the action;
2. Orders Royal Appliance International GmbH to pay the costs.

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(<sup>1</sup>) OJ C 37, 9.2.2008.

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**Judgment of the Court of First Instance of 15 September 2009 — Wella v OHIM (TAME IT)**

(Case T-471/07) (<sup>1</sup>)

*(Community trade mark — International registration — Request for territorial extension of protection — Word mark TAME IT — Absolute ground for refusal — Lack of distinctive character — Article 7(1)(b) of Regulation (EC) No 40/94 (now Article 7(1)(b) of Regulation (EC) No 207/2009)*

(2009/C 256/46)

Language of the case: English

**Parties**

**Applicant:** Wella AG (Darmstadt, Germany) (represented by: B. Klingberg and K. Sandberg, lawyers)

**Defendant:** Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by: D. Botis, acting as Agent)

**Re:**

Action brought against the decision of the Second Board of Appeal of OHIM of 24 October 2007 (Case R 713/2007-2), relating to a territorial extension, to the European Community, of the protection in respect of the international registration of the word mark TAME IT

**Operative part of the judgment**

The Court:

1. Dismisses the action;
2. Orders Wella AG to pay the costs.

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(<sup>1</sup>) OJ C 51, 23.2.2008.