

## JUDGMENT OF THE COURT

(First Chamber)

of 12 January 2006

**in Case C-361/04 P: Claude Ruiz-Picasso, Paloma Ruiz-Picasso, Maya Widmaier-Picasso, Marina Ruiz-Picasso, Bernard Ruiz-Picasso v Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM) <sup>(1)</sup>**

*(Appeal — Community trade mark — Article 8(1)(b) of Regulation (EC) No 40/94 — Likelihood of confusion — Word mark PICARO — Opposition by the proprietor of the Community word mark PICASSO)*

(2006/C 60/15)

*(Language of the case: German)*

In Case C-361/04 P: appeal under Article 56 of the Statute of the Court of Justice lodged on 18 August 2004, by Claude Ruiz-Picasso, residing in Paris (France), Paloma Ruiz-Picasso, residing in London (United Kingdom), Maya Widmaier-Picasso, residing in Paris, Marina Ruiz-Picasso, residing in Geneva (Switzerland), Bernard Ruiz-Picasso, residing in Paris, (represented by C. Gielen, advocaat), the other parties to the proceedings being the Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM) (Agents: G. Schneider and A. von Mühlendahl), defendant at first instance, and DaimlerChrysler AG (represented by S. Völker, Rechtsanwalt), intervener at first instance — the Court (First Chamber), composed of P. Jann, President of the Chamber, K. Schiemann (Rapporteur), N. Colneric, K. Lenaerts and E. Juhász, Judges; D. Ruiz-Jarabo Colomer, Advocate General; K. Sztranc, Administrator, for the Registrar, gave a judgment on 12 January 2006, in which it:

1. Dismisses the appeal;
2. Orders Mr Claude Ruiz-Picasso, Mrs Paloma Ruiz-Picasso, Mrs Maya Widmaier-Picasso, Mrs Marina Ruiz-Picasso and Mr Bernard Ruiz-Picasso to pay the costs.

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<sup>(1)</sup> OJ 262, 23.10.2004.

## JUDGMENT OF THE COURT

(Third Chamber)

of 12 January 2006

**in Case C-504/04: Reference for a preliminary ruling from the Verwaltungsgericht Schwerin in Agrarproduktion Stabelow GmbH v Landrat des Landkreises Bad Doberan <sup>(1)</sup>**

*(Animal health — Prevention, control and eradication of certain transmissible spongiform encephalopathies — Slaughter of birth cohorts — Proportionality)*

(2006/C 60/16)

*(Language of the case: German)*

In Case C-504/04: Reference for a preliminary ruling under Article 234 EC from the Verwaltungsgericht Schwerin (Germany), made by decision of 9 January 2004, received at the Court on 8 December 2004, in the proceedings Agrarproduktion Stabelow GmbH v Landrat des Landkreises Bad Doberan — the Court (Third Chamber), composed of M.A. Rosas (Rapporteur), President of the Chamber, J. Malenovský, A. La Pergola, A. Borg Barthet and A.Ó Caoimh, Judges; M. Poiares Maduro, Advocate General; M.B. Fülöp, Administrator, for the Registrar, gave a judgment on 12 January 2006, in which it ruled as follows:

*Examination of the question referred has not revealed anything capable of affecting, in the light of the principle of proportionality, the validity of Article 13(1), first sentence, (c), of Regulation (EC) No 999/2001 of the European Parliament and of the Council of 22 May 2001 laying down rules for the prevention, control and eradication of certain transmissible spongiform encephalopathies, as amended by Commission Regulation (EC) No 1326/2001 of 29 June 2001 laying down transitional measures to permit the changeover to Regulation No 999/2001 and amending Annexes VII and XI to that regulation, in conjunction with Annex VII(2)(a) and the third indent of Annex VII(1)(a) to that regulation.*

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