Re:

APPLICATION, first, for the annulment of Council Regulation (EC) No 881/2002 of 27 May 2002 imposing certain specific restrictive measures directed against certain persons and entities associated with Usama bin Laden, the Al-Qaeda network and the Taliban, and repealing Council Regulation (EC) No 467/2001 prohibiting the export of certain goods and services to Afghanistan, strengthening the flight ban and extending the freeze of funds and other financial resources in respect of the Taliban of Afghanistan (OJ 2002 L 139, p. 9), as amended by Commission Regulation (EC) No 2049/2003 of 20 November 2003 amending Regulation No 881/2002 for the 25th time (OJ 2003 L 303, p. 20), and, second, for damages.

Operative part

The Court:

1. Dismisses the action;

2. Orders the applicant to pay the costs.

Judgment of the Court of First Instance (Second Chamber) of 12 July 2006 — Rossi v OHIM — Marcorossi (MARCOROSSI)

(Case T-97/05)

Community trade mark — Opposition proceedings — Application for Community word mark MARCOROSSI — Earlier national and international word marks MISS ROSSI — Earlier Community word mark SERGIO ROSSI — Relative ground for refusal — Likelihood of confusion

Community trade mark — Definition and acquisition of the Community trade mark — Relative grounds for refusal — Opposition by the proprietor of an earlier identical or similar mark registered for identical or similar goods or services (Council Regulation No 40/94, Art. 8(1)(b)) (see paras 46, 47, 51)

Re:

ACTION brought against the decision of the Second Board of Appeal of OHIM of 17 December 2004 (Case R 226/2003-2) concerning opposition proceedings between Sergio Rossi SpA and Marcorossi Srl.

Information relating to the case

Applicant for the Community trade mark:	Marcorossi Srl
Community trade mark sought:	Word mark MARCOROSSI (Application No 1 405 869 for goods in Classes 18 and 25)
Proprietor of the mark or sign cited in the opposition proceedings:	Sergio Rossi SpA
Mark or sign cited in opposition:	MISS ROSSI (Italian and international mark), for goods in Class 25, SERGIO ROSSI (Italian mark), for goods in Class 25, and SERGIO ROSSI (Community trade mark), for goods in Classes 3, 18 and 25
Decision of the Opposition Division:	Opposition upheld
Decision of the Board of Appeal:	Appeal allowed and opposition rejected

Operative part

The Court:

1. Dismisses the action;

2. Orders the applicant to pay the costs incurred by the intervener and to bear its own costs;

3. Orders the Office for Harmonization in the Internal Market (Trade Marks and Designs) (OHIM) to bear its own costs.