Judgment of the Court of First Instance (Third Chamber) of 30 November 2006 — Camper v OHIM — JC (BROTHERS by CAMPER)

(Case T-43/05)

Community trade mark — Opposition proceedings — Application for Community figurative trade mark BROTHERS by CAMPER — Earlier national figurative trade marks BROTHERS — Inadmissibility — Relative ground for refusal — Article 8(1)(b) of Regulation (EC) No 40/94

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 86-88, 91)

Re:

ACTION brought against the decision of the First Board of Appeal of OHIM of 29 November 2004 (Case R 170/2004-1), relating to opposition proceedings between JC AB and Camper SL.

Information relating to the case

Applicant for the Community trade mark:	Camper, SL
Community trade mark sought:	Figurative mark BROTHERS by CAMPER, for goods and services in Classes 18, 25 and 39 — Application No 1954601
Proprietor of the mark or sign cited in the opposition proceedings:	JC AB
Mark or sign cited in opposition:	Swedish, Finnish and Danish figurative mark BROTHERS for goods in Class 25

Decision of the Opposition Division:	Rejection of the opposition in so far as based on the earlier Swedish mark; opposition allowed for some of the products in dispute in so far as based on the Danish and Finnish marks
Decision of the Board of Appeal:	Appeal dismissed

Operative part

The Court:

1. Dismisses the action;

2. Orders the applicant to bear its own costs and to pay those incurred by the Office for Harmonization in the Internal Market (Trade Marks and Designs);

3. Orders the intervener to bear its own costs.

Order of the Court of First Instance (Second Chamber) of 11 December 2006 — Weber v Commission

(Case T-290/05)

Access to documents of the Community institutions — Refusal — Application initiating proceedings — Manifest inadmissibility — No need to adjudicate

1. *Actions for annulment — Jurisdiction of the Community judicature — Direction issued to an institution — Not permissible (Art. 230 EC) (see para. 20)*

2. *Procedure — Application initiating proceedings — Reformulation of the initial pleadings — Conditions (see para. 22)*