Judgment of the Court of First Instance (Fifth Chamber, Extended Composition) of 12 June 2007 — Budějovický Budvar v OHIM — Anheuser-Busch (BUDWEISER)

(Joined Cases T-53/04 to T-56/04, T-58/04 and T-59/04)

Community trade mark — Opposition proceedings — Applications for a Community word mark BUDWEISER — Appellations of origin registered under the Lisbon Agreement — Article 8(4) of Regulation (EC) No 40/94 — Rejection of the opposition

1. *Community trade mark — Definition and acquisition of the Community trade mark — Relative grounds for refusal — Opposition by the proprietor of an unregistered trade mark or other sign used in commerce (Council Regulation No 40/94, Art. 8(4)) (see paras 70-74)*

2. *Community trade mark — Definition and acquisition of the Community trade mark — Relative grounds for refusal — Opposition by the proprietor of an unregistered trade mark or other sign used in commerce (Council Regulation No 40/94, Art. 8(4)) (see para. 204)*

Re:

ACTION brought against six decisions of the Second Board of Appeal of OHIM of 3 December 2003 (Cases R 820/2001-2, R 822/2001-2, R 823/2001-2, R 921/2001-2, R 29/2002-2 and R 32/2002-2), concerning opposition proceedings between Budějovický Budvar, národní podnik and Anheuser-Busch, Inc.

Information relating to the case

Applicant for the Community trade mark:	Anheuser-Busch Inc.
Community trade mark sought:	Word mark BUDWEISER for goods in Classes 9, 14, 16, 21, 25, 29, 30, 35, 38, 41 and 42 — Applications Nos 739177, 24612, 24661, 24620, 24638 and 927533

Proprietor of the mark or sign cited in the opposition proceedings:	Budějovický Budvar, národní podnik
Mark or sign cited in opposition:	Indications of origin BUDWEISER BIER, BUDWEISER BIER-BUDVAR, BUDWEISER BUDVAR
Decision of the Opposition Division:	Oppositions dismissed
Decision of the Board of Appeal :	Appeal dismissed

Operative part

The Court:

1. Dismisses the applications in Joined Cases T-53/04 to T-56/04, T-58/04 and T-59/04;

2. Orders Budějovický Budvar, národní podnik to pay the costs.

Judgment of the Court of First Instance (Fifth Chamber, Extended Composition) of 12 June 2007 — Budějovický Budvar v OHIM — Anheuser-Busch (BUD)

(Joined Cases T-60/04 to T-64/04)

Community trade mark — Opposition proceedings — Applications for a Community word mark BUD — Indication of origin registered under the Lisbon Agreement — Article 8(4) of Regulation (EC) No 40/94 — Rejection of the opposition

1. *Community trade mark — Definition and acquisition of the Community trade mark — Relative grounds for refusal — Opposition by the proprietor of an unregistered trade mark or other sign used in commerce (Council Regulation No 40/94, Art. 8(4)) (see paras 68-72)*