Order of the Court of First Instance (Second Chamber, Extended Composition) of 8 March 2006 — Service station Veger v Commission

(Case T-238/99)

Application initiating proceedings — Formal requirements — Action manifestly inadmissible

Procedure — Application initiating proceedings — Formal requirements (Art. 230 EC; Statute of the Court of Justice, Arts 21, first para., and 53, first para.; Rules of Procedure of the Court of First Instance, Art. 44(1)(c) and (d)) (see paras 28, 30)

Re:

APPLICATION for the annulment of Commission Decision 1999/705/EC of 20 July 1999 on the State aid implemented by the Netherlands for 633 Dutch service stations located near the German border (OJ 1999 L 280, p. 87).

Operative part

The Court:

1. Dismisses the application;

2. Orders the applicant to pay the costs.

Judgment of the Court of First Instance (First Chamber) of 15 March 2006 — Eurodrive Services and Distribution v OHIM — Gómez Frías (euroMASTER)

(Case T-31/04)

Community trade mark — Opposition proceedings — Application for the Community figurative mark euroMASTER — Earlier national word marks EUROMASTER — No similarity between the goods or services — Partial dismissal of the opposition — 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 30, 38, 45)

Re:

ACTION brought against the decision of the First Board of Appeal of OHIM of 12 November 2003 (Cases R 419/2001-1 and R 530/2001-1), relating to opposition proceedings between Jesús Gómez Frías and Eurodrive Services and Distribution NV.

Information relating to the case

Applicant for the Community trade mark:	Mr Jesús Gómez Frías
Community trade mark sought:	Figurative mark 'euroMASTER' — Application No 728.295 for services in Classes 39 and 41)
Proprietor of the mark or sign cited in the opposition proceedings:	Eurodrive Services and Distribution NV
Mark or sign cited in opposition:	Spanish, French, Austrian, Benelux, Danish, Finnish, English, Greek, Irish, Italian, Portuguese and Swedish word marks 'EUROMASTER', for goods and services in Classes 12, 16 and 37
Decision of the Opposition Division:	The opposition was allowed as regards the services in Class 39 and rejected as regards the services in Class 41
Decision of the Board of Appeal:	Rejection of the appeal brought by the applicant

Operative part

The Court:

1. Dismisses the action;

2. Orders the applicant to pay the costs.

Judgment of the Court of First Instance (Fourth Chamber) of 15 March 2006 — Italy v Commission

(Case T-226/04)

Action for annulment — Regulation (EC) No 316/2004 — Common organisation of the market in wine — Protection of traditional names — Amendment of classification of certain additional traditional names — Use in labelling of wine originating in third countries — Procedural defect — Principle of proportionality — TRIPs Agreement

1. *Agriculture — Common organisation of the markets — Wine — Designation and presentation of wines — Regulations Nos 1493/1999 and 753/2002 (Council Regulation No 1493/1999; Commission Regulations Nos 753/2002 and 316/2004) (see paras 35-40)*

2. *Procedure — Introduction of new pleas during the proceedings (Rules of Procedure of the Court of First Instance, Art. 48(2)) (see para. 64))*

3. *Agriculture — Common organisation of the markets — Wine — Designation and presentation of wines — Regulations Nos 1493/1999 and 753/2002 (Council Regulation No 1493/1999, Annex VII B, para. 1(b)); Commission Regulation No 753/2002, Arts 23 and 24) (see para. 72)*