Operative part

1. The suspension of operation granted in paragraph 1 of the operative part of the order of the President of the Court of 28 April 2009 in Case T-95/09 R *United Phosphorus* v *Commission* (not published in the ECR) is extended until 31 December 2011 or until the date of adoption of the decision in the main proceedings at the latest, if that decision is adopted earlier.

2. Costs are reserved.

Judgment of the General Court (Third Chamber) of 25 November 2010 — Vidieffe v OHIM — Ellis International Group (GOTHA)

(Case T-169/09)

(Community trade mark — Opposition proceedings — Application for Community word mark GOTHA — Earlier Community figurative mark gotcha — Relative ground for refusal — Likelihood of confusion — Similarity of the signs — Article 8(1)(b) of Regulation (EC) No 40/94 (now Article 8(1)(b) of Regulation (EC) No 207/2009))

1. *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 — Likelihood of confusion with the earlier mark — Weighting of the elements of similarity or difference between the signs — Taking into account of the intrinsic characteristics of the signs or the marketing conditions of the goods or services (Council Regulation No 40/94, Art. 8(1)(b)) (see para. 35)*

2. *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 — Likelihood of confusion with the earlier mark (Council Regulation No 40/94, Art. 8(1)(b)) (see para. 58)*

Re:

ACTION brought against the decision of the First Board of Appeal of OHIM of 12 February 2009 (Case R 657/2008-1), relating to opposition proceedings between Perry Ellis International Group Holdings, Ltd and Vidieffe Srl.

Information relating to the case

Applicant for the Community trade mark:	Vidieffe Srl
Community trade mark sought:	Word mark GOTHA for goods in Classes 18 and 25 — Application No 3665957
Proprietor of the mark or sign cited in the opposition proceedings:	Perry Ellis International Group Holdings, Ltd
Mark or sign cited in opposition:	Figurative Community trade mark gotcha (No 2896199) for goods in Classes 3, 18 and 25
Decision of the Opposition Division:	Opposition dismissed in its entirety
Decision of the Board of Appeal:	Appeal partially upheld

Operative part

The Court:

1. Annuls the decision of the First Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM) of 12 February 2009 (Case R 657/2008-1), in so far as it annuls the decision of the Opposition Division, inasmuch as that decision rejected the opposition, first, in respect of '[leather and imitations of leather] goods (not included in other classes); trunks and travelling bags; umbrellas, parasols and walking sticks' in Class 18 and, second, in respect of all the goods in Class 25;

2. Dismisses the action as to the remainder;

3. Orders OHIM to bear its own costs and pay those incurred by Vidieffe Srl.

Judgment of the General Court (Seventh Chamber) of 7 December 2010 — Commission v Commune de Valbonne

(Case T-238/08)

(Arbitration clause — Research and training contract relating to a mutual education project between the city of Valbonne (France) and the province of Ascoli Piceno (Italy) — Application for reimbursement of advance payments)

1. *Procedure — Referral to the General Court under an arbitration clause — Contract subject to national law — Interpretation of the contract having regard to national law — Conditions — Insufficiency of the contractual clauses to resolve the dispute — Doubt as to the content or meaning of the contract (Art. 238 EC) (see paras 52-53)*