Decision of the Opposition Division:	Opposition upheld in its entirety
Decision of the Board of Appeal:	Appeal dismissed

Operative part

The Court:

1. Annuls the decision of the Second Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM) of 30 June 2008 (Case R 328/2003-2);

2. Dismisses the action as to the remainder;

3. Orders OHIM to bear its own costs and those incurred by Advance Magazine Publishers, Inc.

Judgment of the General Court (Eighth Chamber) of 19 January 2011 — Häfele v OHIM — Topcom Europe (Topcom)

(Case T-336/09)

(Community trade mark — Opposition proceedings — Application for Community word mark Topcom — Earlier Community and Benelux word marks TOPCOM — Relative ground for refusal — Likelihood of confusion — Similarity of the goods — Article 8(1)(b) of Regulation (EC) No 207/2009)

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 207/2009, Art. 8(1)(b)) (see paras 25-26, 42)

Re:

ACTION brought against the decision of the Second Board of Appeal of OHIM of 5 June 2009 (Case R 1500/2008-2), concerning opposition proceedings between Topcom Europe NV and Häfele GmbH & Co. KG.

Information relating to the case

Applicant for the Community trade mark:	Häfele GmbH & Co. KG
Community trade mark sought:	Word mark Topcom for goods in Classes 7, 9 and 11 — Application No 5032149
Proprietor of the mark or sign cited in the opposition proceedings:	Topcom Europe NV
Mark or sign cited in opposition:	Community and Benelux trade mark registration of the word mark TOPCOM for goods in Class 9
Decision of the Opposition Division:	Opposition dismissed
Decision of the Board of Appeal:	Appeal upheld, opposition allowed and decision of the Opposition Division annulled

Operative part

The Court:

1. Dismisses the action;

2. Orders Häfele GmbH & Co. KG to pay the costs, including the costs necessarily incurred by Topcom Europe NV for the purposes of the proceedings before the Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM).

Order of the General Court (First Chamber) of 21 January 2011 — Vtesse Networks v Commission

(Case T-54/07)

(Application for annulment — State aid — Telecommunications — Tax on non-domestic property of undertakings in the United Kingdom — Decision finding that the measure at issue does not constitute aid — No individual concern — Inadmissibility)

1. *Procedure — Intervention — Extent of the intervener's procedural rights linked to the date on which the application to intervene was made (Rules of Procedure of the General Court, Art. 116(6)) (see para. 51)*

2. *Actions for annulment — Natural or legal persons — Measures of direct and individual concern to them — Commission decision closing a procedure on aid — Undertaking competing with the undertaking in receipt of the aid — Right to bring an action — Conditions (Arts 88(2) EC and 230, fourth para., EC) (see paras 88-90, 92-93, 95, 98)*