Operative part

The Court:

1. Dismisses the application for interim measures;

2. Reserves the costs.

Judgment of the Court of First Instance (Fourth Chamber) of 14 November 2007 — Castell del Remei v OHIM — Bodegas Roda (Castell del Remei ODA)

(Case T-101/06)

Community trade mark — Opposition proceedings — Application for figurative Community trade mark Castell del Remei ODA — Earlier international word mark RODA and earlier national trade marks RODA, RODA I, RODA II and BODEGAS RODA — Relative ground for refusal — Likelihood of confusion — 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 71, 72, 82)

Re:

ACTION brought against the decision of the First Board of Appeal of OHIM of 17 January 2006 (Case R 263/2005-1) relating to opposition proceedings between Bodegas Roda SA and Castell del Remei SL.

Information relating to the case

Applicant for the Community trade mark:	Castell del Remei, SL
Community trade mark sought:	Figurative mark Castell del Remei ODA for goods in Classes 29, 30 and 33 — Application No 2325256
Proprietor of the mark or sign cited in the opposition proceedings:	Bodegas Roda, SA
Mark or sign cited in opposition:	International word mark RODA, Spanish word marks RODA (No 1757553), RODA I (No 2006616), RODA II (No 2006615) and BODEGAS RODA (No 137050), concerning goods in Class 33, and trade name BODEGAS RODA, SA for the wine trade
Decision of the Opposition Division:	Opposition upheld and application for registration dismissed
Decision of the Board of Appeal:	Appeal dismissed

Operative part

The Court:

1. Dismisses the action;

2. Orders the applicant to pay the costs.

Judgment of the Court of First Instance (Fifth Chamber) of 15 November 2007 — Sunplus Technology v OHIM — Sun Microsystems (SUNPLUS)

(Case T-38/04)

Community trade mark — Opposition proceedings — Application for figurative mark SUNPLUS — Earlier national word mark SUN — Likelihood of confusion — Similarity between goods — Similarity between marks