Mark or sign cited in opposition:	National and international word mark EuroWings for goods and services in Classes 16 and 41, the national and international word mark EUROWINGS for goods and services in Classes 39 and 42 and the national word mark WINGSGLASS for goods and services in Classes 16, 39, 41 and 42
Decision of the Opposition Division:	Opposition partially upheld
Decision of the Board of Appeal:	Appeal dismissed

Operative part

The Court:

1. Dismisses the action;

2. Orders Travel Service a.s. to pay, in addition to its own costs, the costs of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM) and Eurowings Luftverkehrs AG.

Judgment of the General Court (Sixth Chamber) of 13 September 2010 — Abbott Laboratories v OHIM — aRigen (Sorvir)

(Case T-149/08)

(Community trade mark — Opposition proceedings — Application for Community word mark Sorvir — Earlier Community word mark NORVIR — Relative ground for refusal — Article 8(1)(b) of Regulation (EC) No 40/94 (now 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 40/94, Art. 8(1)(b)) (see paras 23, 38-41)

Re:

ACTION brought against the decision of the Second Board of Appeal of OHIM of 6 February 2008 (Case R 809/2007-2), relating to opposition proceedings between Abbott Laboratories and aRigen, Inc.

Information relating to the case

Applicant for the Community trade mark:	aRigen, Inc.
Community trade mark sought:	Word mark Sorvir for goods in Class 5 — Application No 004455507
Proprietor of the mark or sign cited in the opposition proceedings:	Abbott Laboratories
Mark or sign cited in opposition:	Word mark NORVIR for goods in Class 5
Decision of the Opposition Division:	Opposition dismissed 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 6 February 2008 (Case R 809/2007-2);

2. Orders OHIM to bear its own costs and to pay those of Abbott Laboratories.

Judgment of the General Court (Sixth Chamber) of 13 September 2010 — Enercon v OHIM — BP (ENERCON)

(Case T-400/08)

(Community trade mark — Opposition proceedings — Application for the Community word mark ENERCON — Earlier Community word mark ENERGOL — Relative ground for refusal — Likelihood of confusion — Article 8(1)(b) of Regulation (EC) No 40/94 (now Article 8(1)(b) of Regulation (EC) No 207/2009) — Partial refusal to register)

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 paras 22, 34-35)

Re:

ACTION brought against the decision of the Fourth Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) of 14 July 2008 (Case R 957/2006-4), relating to opposition proceedings between BP plc and Enercon GmbH.