Judgment of the Court of First Instance (Second Chamber) of 11 July 2006 — Torres v OHIM — Bodegas Muga (Torre Muga)

(Case T-247/03)

Community trade mark — Opposition proceedings — Application for figurative Community trade mark Torre Muga — Earlier national and international word marks TORRES — Likelihood of confusion — Breach of the rights of the defence

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 para. 71)

Re:

ACTION brought against the decision of the First Board of Appeal of the Office for Harmonization in the Internal Market (Trade Marks and Designs) of 7 April 2003 (Case R 998/2001-1) concerning opposition proceedings between Miguel Torres, SA, and Bodegas Muga, SA.

Information relating to the case

Applicant for the Community trade mark:	Bodega Muga, SA
Community trade mark sought:	Figurative mark Torre Muga (Application No 791.004, for goods in Class 33)
Proprietor of the mark or sign cited in the opposition proceedings:	Miguel Torres, SA
Mark or sign cited in opposition:	TORRES (an international mark, a Danish mark, a German mark, three Spanish marks and two United Kingdom marks) for goods in Class 33

Decision of the Opposition Division:	Rejection of the opposition
Decision of the Board of Appeal:	Rejection of the appeal

Operative part

The Court:

1. Dismisses the action;

2. Orders the applicant to pay the costs incurred by the Office for Harmonization in the Internal Market (Trade Marks and Designs) (OHIM);

3. Orders the intervener to bear its own costs.

Judgment of the Court of First Instance (Second Chamber) of 12 July 2006 — Hassan v Council and Commission

(Case T-49/04)

Common foreign and security policy — Restrictive measures taken against persons and entities associated with Usama bin Laden, the Al-Qaeda network and the Taliban — Freezing of funds — Fundamental rights — Jus cogens — Review by the Court — Action for annulment and damages

1. *Actions for annulment — Natural or legal persons — Measures of direct and individual concern to them (Art. 230, fourth para., EC; Council Regulation No 881/2002, as amended by Regulation No 2049/2003) (see paras 53-58)*