Information relating to the case

Applicant for the Community trade mark:	MPDV Mikrolab GmbH, Mikroprozessordatenverarbeitung und Mikroprozessorlabor
Community trade mark sought:	Word mark manufacturing score card for goods and services in Classes 9, 35 and 42 — Application No 3334596
Decision of the Examiner:	Refusal of registration
Decision of the Board of Appeal:	Appeal dismissed

Operative part

The Court:

1. Dismisses the action;

2. Orders MPDV Mikrolab GmbH, Mikroprozessordatenverarbeitung und Mikroprozessorlabor to pay the costs.

Judgment of the Court of First Instance (Third Chamber) of 8 November 2007 — Charlott v OHIM — Charlo (Charlott France Entre Luxe et Tradition)

(Case T-169/06)

Community trade mark — Opposition proceedings — Application for figurative Community trade mark Charlott France Entre Luxe et Tradition — Earlier figurative national mark Charlot — Genuine use of the earlier mark — Article 43(2) and (3) of Regulation (EC) No 40/94

Community trade mark — Observations of third parties and opposition — Examination of the opposition — Proof of use of the earlier mark (Council Regulation No 40/94, Art. 43(2) and (3) (see paras 37, 64)

Re:

ACTION brought against the decision of the Second Board of Appeal of OHIM of 24 April 2006 (Case R 223/2005-2) concerning opposition proceedings between Charlo — Confecções para Homens, Artigos de Lã e Outros SA and Charlott SARL.

Information relating to the case

Applicant for the Community trade mark:	Charlott SARL
Community trade mark sought:	Figurative mark Charlott France Entre Luxe et Tradition for goods in Class 25 — Application No 1853274
Proprietor of the mark or sign cited in the opposition proceedings:	Charlo — Confecções para Homens, Artigos de Lã e Outros SA
Mark or sign cited in opposition:	National figurative mark Charlot for goods in Class 25
Decision of the Opposition Division:	Rejection of the opposition
Decision of the Board of Appeal:	Decision of the Opposition Division set aside

Operative part

The Court:

1. Dismisses the action;

2. Orders Charlott SARL to pay the costs, except those incurred by the intervener;

3. Orders Charlo — Confecções para Homens, Artigos de Lã e Outros SA to bear its own costs.