2. *Acts of the institutions — Statement of reasons — Obligation — Scope — Failure to adopt a proposal for a regulation imposing a definitive anti-dumping duty (Art. 253 EC; Council Regulation No 384/96) (see para. 35)*

Re

ACTION for the annulment of the Council's decision of 8 May 2000 rejecting the proposal for a Council Regulation (EC) imposing a definitive anti-dumping duty on imports of certain parts of television camera systems originating in Japan, submitted by the Commission of the European Communities on 7 April 2000 (document COM (2000) 195 final)

Operative part

The Court:

1. Annuls the Council's decision of 8 May 2000 rejecting the proposal for a Council Regulation (EC) imposing a definitive anti-dumping duty on imports of certain parts of television camera systems originating in Japan, submitted by the Commission of the European Communities on 7 April 2000 (document COM(2000) 195 final);

2. Orders the Council of the European Union to pay the costs.

Judgment of the Court of First Instance (Second Chamber) of 13 April 2005 — Duarte y Beltrán v OHIM — Mirato (INTEA)

(Case T-353/02)

Community trade mark — Opposition proceedings — Application for Community word mark INTEA — Earlier national word marks INTESA — Refusal of registration — Relative ground for refusal — 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 — Likelihood of confusion with the earlier mark — Word marks INTEA and INTESA (Council Regulation No 40/94, Art. 8(1)(b)) (see paras 34-35)

Re

ACTION against the decision of the Second Board of Appeal of OHIM of 6 August 2002 (Case R 407/2001-2) concerning opposition proceedings between Duarte y Beltrán SA and Mirato SpA

Information relating to the case

Applicant for the Community trade mark:	Duarte y Beltrán SA
Community trade mark sought:	Word mark INTEA for goods in Classes 3, 16 and 21 — Application No 99747
Proprietor of mark or sign cited in the opposition proceedings:	MIRATO SpA
Mark or sign cited in opposition:	Two Italian trade marks, an international trade mark, together with a Greek trade mark, a Finnish trade mark, a Swedish trade mark, a United Kingdom trade mark and an Irish trade mark INTESA for goods in Classes 9, 14, 18 and 21 as regards the two Italian trade marks, and for goods in Class 3 as regards the others
Decision of the Opposition Division:	Opposition accepted in part (likelihood of confusion concerning goods in Class 3)
Decision of the Board of Appeal:	Appeal rejected

Operative part:

The Court:

1. Dismisses the action;

2. Orders the applicant to pay the costs.

Judgment of the Court of First Instance (Second Chamber) of 13 April 2005 — Gillette v OHIM — Wilkinson Sword (RIGHT GUARD XTREME sport)

(Case T-286/03)

Community trade mark — Opposition proceedings — Application for Community figurative mark RIGHT GUARD XTREME sport — Earlier national figurative mark WILKINSON SWORD XTREME III — Likelihood of confusion — Refusal of registration — 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 — Likelihood of confusion with the earlier mark — Figurative marks 'RIGHT GUARD XTREME sport' and 'WILKINSON SWORD XTREME III' (Council Regulation No 40/94, Art. 8(1)(b)) (see paras 81-82)