Judgment of the Court of First Instance (Fourth Chamber) of 1 February 2006 — Rodrigues Carvalhais v OHIM

(Case T-206/04)

Community trade mark — Opposition proceedings — Figurative mark containing the word element 'PERFIX' — Earlier Community figurative trade mark containing the word element 'cerfix' — 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 para. 33)

Re:

ACTION brought against the decision of the First Board of Appeal of OHIM of 18 March 2004 (Case R 408/2003-1), concerning opposition proceedings between Fernando Rodrigues Carvalhais and Profilpas Snc.

Information relating to the case

Applicant for the Community trade mark:	Fernando Rodrigues Carvalhais
Community trade mark sought:	Figurative mark 'PERFIX' — Application No 1635515, for goods in Classes 6 (Sections of metal and accessories therefor), 17 (Sections of plastics and accessories therefor, gaskets and linings of plastics) and 19 (Building materials, not of metal, linings and seals for ceramics, linings and seals for marble, linings and seals for cladding in general (not included in other classes))
Proprietor of the mark or sign cited in the opposition proceedings:	Profilpas, Snc.
Mark or sign cited in the opposition proceedings:	Figurative mark 'CERFIX' No 587725 and word mark 'PROFIX' No 771196
Decision of the Opposition Division:	Rejection of the opposition
Decision of the Board of Appeal:	The decision of the Opposition Division was annuled and the opposition was allowed

Operative part

The Court:

1. Dismisses the action;

2. Orders the applicant to pay the costs.

Order of the President of the Court of First Instance of 1 February 2006 — Endesa v Commission

(Case T-417/05 R)

Application for interim measures — Control of concentrations between undertakings — Urgency

1. *Applications for interim measures — Interim relief — Conditions for granting — Prima facie case — Urgency — Serious and irreparable damage — Cumulative requirements — Weighing-up of all the interests at stake (Art. 243 EC; Rules of Procedure of the Court of First Instance, Art. 104(2)) (see paras 26, 27)*

2. *Applications for interim measures — Interim relief — Conditions for granting — Urgency — Serious and irreparable damage — Burden of proof (Art. 243 EC) (see paras 32, 33)*

3. *Applications for interim measures — Interim relief — Conditions for granting — Urgency — Serious and irreparable damage (Art. 243 EC) (see paras 37-40)*

4. *Applications for interim measures — Interim relief — Conditions for granting — Urgency — Serious and irreparable damage (Art. 243 EC; Rules of Procedure of the Court of First Instance, Art. 76a) (see paras 41, 43-44, 47-50)*

5. *Applications for interim measures — Interim relief — Conditions for granting — Urgency — Serious and irreparable damage (Art. 243 EC; Council Regulation No 139/2004, Art. 8(3)) (see paras 52-57)*