Proprietor of the mark or sign cited in the opposition proceedings:	Laboratorios Byly, SA
Mark or sign cited in opposition:	Community word marks BYLY (Application No 156216) for goods in Class 3, and byly (Application No 2604015) for goods in Classes 3 and 5, and services in Class 35
Decision of the Opposition Division:	Opposition dismissed
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 15 September 2008 (Case R 469/2008-2);

2. Orders OHIM to pay the costs.

Judgment of the General Court (Sixth Chamber) of 15 April 2010 — Cabel Hall Citrus v OHIM — Casur (EGLÉFRUIT)

(Case T-488/07)

(Community trade mark — Invalidity proceedings — Community word mark EGLÉFRUIT — Earlier Community word mark UGLI and earlier national figurative mark 'UGLI Fruit — but the affliction is only skin deep' — Relative ground for refusal — No likelihood of confusion — Article 8(1)(b) and Article 52(1)(a) of Regulation (EC) No 40/94 (now Article 8(1)(b) and Article 53(1)(a) of Regulation (EC) No 207/2009))

Community trade mark — Surrender, revocation and invalidity — Relative grounds of invalidity — Registration contrary to Article 8(1)(b) of Regulation No 40/94 (Council Regulation No 40/94, Art. 52(1)(a)) (see paras 30, 47-48, 50-51)

Re:

ACTION brought against the decision of the First Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) of 19 September 2007 (Case R 293/2007-1), relating to invalidity proceedings between Cabel Hall Citrus Ltd and Casur S. Coop. Andaluza.

Information relating to the case

Registered Community trade mark subject of the application for a declaration of invalidity:	Word mark EGLÉFRUIT for goods and services in Classes 29, 30 and 31 — Community trade mark No 3517431
Proprietor of the Community trade mark:	Casur S. Coop. Andaluza
Party requesting the declaration of invalidity of the Community trade mark:	Cabel Hall Citrus Ltd
Trade mark right of the party requesting the declaration of invalidity:	Community work mark UGLI for goods in Classes 29, 31 and 32 and national figurative mark UGLI Fruit — but the affliction is only skin deep for products in Class 31
Decision of the Cancellation Division:	Cancellation refused
Decision of the Board of Appeal:	Appeal dismissed

Operative part

The Court:

1. Dismisses the action;

2. Orders Cabel Hall Citrus Ltd to pay the costs.

Judgment of the General Court (First Chamber) of 20 April 2010 — Rodd & Gunn Australia v OHIM (Representation of a dog)

(Case T-187/08)

(Community trade mark — Figurative Community trade mark representing a dog — Cancellation of the mark upon expiry of the registration — Request for renewal of the mark — Application for *restitutio in integrum* — Article 78 of Regulation (EC) No 40/94 (now Article 81 of Regulation (EC) No 207/2009))

Community trade mark — Procedural provisions — Restitutio in integrum (Council Regulation No 40/94, Art. 78(1)) (see para. 29)

Re:

ACTION brought against the decision of the Fourth Board of Appeal of OHIM of 12 March 2008 (Case R 1245/2007-4) relating to an application for *restitutio in integrum*.

Information relating to the case

Community trade mark sought:	Figurative mark consisting of a representation of a dog for goods in Classes 16, 18, and 25 — Community trade mark No 339218
Decision of the Trade Marks and Register Department:	Application for *restitutio in integrum* dismissed
Decision of the Board of Appeal:	Appeal dismissed