Judgment of the Court of First Instance (Second Chamber) of 11 July 2007 — Mülhens v OHIM — Conceria Toska (TOSKA)

(Case T-263/03)

Community trade mark — Opposition proceedings — Application for Community word mark TOSKA — Earlier national word mark TOSCA — Relative grounds for refusal — Well-known trade mark within the meaning of Article 6 bis of the Paris Convention — Article 8(1)(b) of Regulation (EC) No 40/94 — Article 8(5) of Regulation (EC) No 40/94

1. *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 well known in a Member State (Council Regulation No 40/94, Art. 8(1)(b)) (see para. 28)*

2. *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 enjoying a reputation (Council Regulation No 40/94, Art. 8(5)) (see paras 50-52)*

Re:

ACTION brought against the decision of the Second Board of Appeal of OHIM of 13 May 2003 (Case R 369/2002-2) concerning opposition proceedings between Mülhens GmbH & Co. KG and Conceria Toska Srl.

Information relating to the case

Applicant for the Community trade mark:	Conceria Toska Srl
Community trade mark sought:	Word mark TOSKA for goods in Class 18 — Application No 743427
Proprietor of the mark or sign cited in the opposition proceedings:	Mühlens GmbH & Co. KG
Mark or sign cited in opposition:	German word mark TOSCA for perfumery products
Decision of the Opposition Division:	Opposition dismissed
Decision of the Board of Appeal:	Appeal dismissed

Operative part

The Court:

1. Dismisses the action;

2. Orders Mülhens GmbH & Co. KG to pay the costs.

Judgment of the Court of First Instance (Second Chamber) of 11 July 2007 — Al-Aqsa v Council

(Case T-327/03)

Common foreign and security policy — Restrictive measures against certain persons and entities with a view to combating terrorism — Freezing of funds — Action for annulment — Statement of reasons