Operative part

The Court:

1. Dismisses the action as inadmissible;

2. Orders the applicant to bear his own costs and pay those incurred by the Commission.

Judgment of the Court of First Instance (Second Chamber) of 17 October 2006 — Hammarplast v OHIM — Steninge Slott (STENINGE SLOTT)

(Case T-499/04)

Community trade mark — Opposition proceedings — Application for Community word mark STENINGE SLOTT — Earlier word mark STENINGE KERAMIK — Likelihood of confusion

1. *Community trade mark — Appeals procedure (Council Regulation No 40/94, Art. 74(1)) (see para. 20)*

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 registered for identical or similar goods or services (Council Regulation No 40/94, Art. 8(1)(b)) (see paras 62, 63)*

Re:

ACTION brought against the decision of the Second Board of Appeal of OHIM of 25 October 2004 (Case R 394/2003-2) concerning the opposition filed by the holder of the national trade mark STENINGE KERAMIK against registration of the Community trade mark STENINGE SLOTT.

Information relating to the case

Applicant for the Community trade mark:	Steninge Slott AB
Community trade mark sought:	Word mark STENINGE SLOTT for goods in Class 21
Proprietor of the mark or sign cited in the opposition proceedings:	Hammarplast AB
Mark or sign cited in opposition:	National mark STENINGE KERAMIK for goods in the same class
Decision of the Opposition Division:	Refusal of registration
Decision of the Board of Appeal:	Appeal allowed

Operative part

The Court:

1. Dismisses the action;

2. Orders the applicant to pay the costs.

Judgment of the Court of First Instance (Fourth Chamber) of 25 October 2006 — Castell del Remei v OHIM — Bodegas Roda (ODA)

(Case T-13/05)

Community trade mark — Opposition proceedings — Earlier international word mark RODA and earlier national word marks BODEGAS RODA, RODA I and RODA II — Application for a Community word mark ODA — 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 paras 56, 61, 63)