

**Order of the President of the of the Court of First Instance of 9 November 2007  
— Poland v Commission**

**(Case T-183/07 R)**

Application for interim measures — Directive 2003/87/EC — Scheme for greenhouse gas emission allowance trading — National allocation plan for greenhouse gas emission allowances for Poland for the period from 2008 to 2012 — Commission decision rejecting that plan — Application for suspension of operation — Lack of urgency

1. *Applications for interim measures — Suspension of operation of a measure — Interim measures — Conditions for granting — Prima facie case — Urgency — Cumulative nature — Weighing-up of all the interests at stake (Arts 242 EC and 243 EC; Rules of Procedure of the Court of First Instance, Art. 104(2)) (see paras 17-19)*
2. *Applications for interim measures — Suspension of operation of a measure — Conditions for granting — Urgency — Serious and irreparable damage (Art. 242 EC; Rules of Procedure of the Court of First Instance, Art. 104(2)) (see paras 38, 39)*

**Re:**

APPLICATION for suspension of the operation of Commission Decision C(2007) 1295 final of 26 March 2007, concerning the national allocation plan for greenhouse gas emission allowances notified by the Republic of Poland for the period from 2008 to 2012, in accordance with Directive 2003/87/EC of the European Parliament and of the Council of 13 October 2003, establishing a scheme for greenhouse gas emission allowance trading within the Community and amending Council Directive 96/61/EC (OJ 2003 L 275, p. 32).

## **Operative part**

The Court:

1. Dismisses the application for interim measures;
2. Reserves the costs.

**Judgment of the Court of First Instance (Fourth Chamber) of 14 November 2007 — Castell del Remei v OHIM — Bodegas Roda (Castell del Remei ODA)**

**(Case T-101/06)**

Community trade mark — Opposition proceedings — Application for figurative Community trade mark Castell del Remei ODA — Earlier international word mark RODA and earlier national trade marks RODA, RODA I, RODA II and BODEGAS RODA — 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 paras 71, 72, 82)*

**Re:**

ACTION brought against the decision of the First Board of Appeal of OHIM of 17 January 2006 (Case R 263/2005-1) relating to opposition proceedings between Bodegas Roda SA and Castell del Remei SL.