

Re

APPLICATION for the annulment of the decision of 11 February 2002 by which the Commission refused to grant the applicant's request for default interest to be paid to its subsidiary Irish Sugar plc on the principal sum repaid to the latter to comply with a judgment of the Court of First Instance.

Operative part

The Court:

1. Annuls the decision of 11 February 2002, by which the Commission refused to grant the applicant's request for default interest to be paid to its subsidiary Irish Sugar plc on the principal sum repaid to the latter to comply with a judgment of the Court of First Instance;
2. Orders the Commission to pay the costs, including those relating to the appeal proceedings before the Court of Justice.

**Judgment of the Court of First Instance (First Chamber) of 14 December 2005
— Arysta Lifescience v OHIM — BASF (CARPOVIRUSINE)**

(Case T-169/04)

Community trade mark — Opposition proceedings — Application for the
Community word mark CARPOVIRUSINE — Former national word mark
CARPO — 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 — Likelihood of confusion with the earlier mark — Word marks CARPOVIRUSINE and CARPO (Council Regulation No 40/94, Art. 8(1)(b)) (see paras 71-72)

Re

ACTION brought against the decision of the First Board of Appeal of OHIM of 4 March 2004 (Case R 289/2003-1) relating to opposition proceedings between Calliope SAS and BASF AG.

Information relating to the case

Applicant for the Community trade mark:	Arysta Lifescience SAS
Community trade mark sought:	Word mark 'CARPOVIRUSINE' — Application No 1422641, for goods in Class 5 (insecticides, etc.)
Proprietor of the mark or sign cited in the opposition proceedings:	BASF AG
Mark or sign cited in opposition:	National and international word mark 'CARPO' for goods in Class 5
Decision of the Opposition Division:	Refusal to register
Decision of the Board of Appeal:	Dismissal of the action

Operative part

The Court:

1. Dismisses the action;
2. Orders the applicant to pay the costs.