

6. *Applications for interim measures — Interim relief — Conditions for granting — Urgency — Serious and irreparable damage (Art. 243 EC) (see paras 59, 60)*
7. *Applications for interim measures — Interim relief — Conditions for granting — Urgency — Serious and irreparable damage (Art. 243 EC) (see paras 61-66)*

Re:

APPLICATION for an order, first, for suspension of the operation of the Commission's letter of 15 November 2005 declaring that a concentration between Gas Natural SDG, SA, and Endesa, SA, does not have a Community dimension within the meaning of Council Regulation (EC) No 139/2004 of 20 January 2004 on the control of concentrations between undertakings (OJ 2004 L 24, p. 1), and, secondly, for the adoption of other interim measures.

Operative part

The Court:

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

**Judgment of the Court of First Instance (First Chamber) of 7 February 2006 —
Alecansan v OHIM
(Case T-202/03)**

Community trade mark — Opposition proceedings — Application for the figurative Community trade mark COMP USA — Earlier national figurative mark COMP USA — Lack of similarity of the goods and services — Rejection of the opposition — 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 49, 51)

Re:

ACTION brought against the decision of the First Board of Appeal of OHIM of 24 March 2003 (Case R 711/2002-1) relating to opposition proceedings between Alecansan, SL, and CompUSA Management Co.

Information relating to the case

Applicant for the Community trade mark:	CompUSA Management Co.
Community trade mark sought:	Figurative mark 'COMP USA' — Application No 2.133.202 for goods in Classes 9 and 37 (computer hardware and software)
Proprietor of the mark or sign cited in the opposition proceedings:	Alecansan, SL
Mark or sign cited in the opposition proceedings:	English figurative mark 'COMP USA', for goods in Class 39 (transport)
Decision of the Opposition Division:	Dismissal of the opposition
Decision of the Board of Appeal:	Dismissal of the appeal

Operative part

The Court:

1. Dismisses the action;
2. Orders the applicant to pay its own costs and those of the Office for Harmonisation in the Internal Market (Trade Marks and Designs);
3. Orders the intervener to pay its own costs.