

**Judgment of the Court of First Instance (Third Chamber) of 4 October 2006 —
Monte di Massima v OHIM — Höfferle Internationale (Valle della Luna)
(Case T-96/05)**

Community trade mark — Opposition procedure — Application for figurative Community trade mark Valle della Luna — Earlier national figurative mark VALLE DE LA LUNA — Proof of use of the earlier mark — Article 15(2)(a), and Article 43(2) and (3) of Regulation (EC) No 40/94

Community trade mark — Observations of third parties and opposition — Examination of the opposition — Proof of use of the earlier mark (Council Regulation No 40/94, Arts 15(1) and 43(2) and (3)) (see paras 26, 27)

Re:

ACTION brought against the decision of the First Board of Appeal of OHIM of 24 November 2004 (Case R 269/2004-1), concerning opposition proceedings between Monte di Massima SAS di Pruneddu Leonardo & C. and J.M. Höfferle Internationale Handelsgesellschaft mbH.

Information relating to the case

Applicant for the Community trade mark:	Monte di Massima SAS di Pruneddu Leonardo & C.
Community trade mark sought:	Figurative mark Valle della Luna for goods in Class 32 — Application No 2029726
Proprietor of the mark or sign cited in the opposition proceedings:	J.M. Höfferle Internationale Handelsgesellschaft mbH
Mark or sign cited in opposition:	German nominative mark VALLE DE LA LUNA for goods in Class 33
Decision of the Opposition Division:	Opposition dismissed
Decision of the Board of Appeal:	Appeal allowed

Operative part

The Court:

1. Dismisses the action;
2. Orders the applicant to pay the costs incurred by the Office for Harmonisation in the Internal Market (Trade Marks and Designs) and by the intervener.

**Order of the Court of First Instance (Third Chamber) of 10 October 2006 —
Evropaiki Dynamiki v Commission
(Case T-106/05)**

Public service contracts — Call for tenders concerning technical assistance to improve the information and communication technology system in the State Institute of Statistics of the Republic of Turkey — Application rejected — Period for bringing proceedings — Confirmatory act — Inadmissibility

1. *Actions for annulment — Action against a decision confirming a decision not challenged within the time-limits (Art. 230 EC) (see paras 46, 48, 49, 54, 55, 60)*
2. *Procedure — Time-limits for bringing actions — Time-barred (see paras 57, 58, 60)*

Re:

ACTION for annulment of the Commission's decisions not to select the tender submitted by the applicant in the context of a call for tenders for the provision of technical assistance for the improvement of the system of Information and