

**Judgment of the Court of First Instance (Fourth Chamber) of 18 April 2007 —
House of Donuts v OHIM — Panrico (House of donuts)**

(Joined Cases T-333/04 and T-334/04)

Community trade mark — Opposition proceedings — Applications for Community figurative marks ‘House of donuts’ — Earlier national word marks ‘DONUT’ and earlier figurative marks ‘donuts’ — Relative ground for refusal — Likelihood of confusion

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 57-59)

Re:

TWO ACTIONS brought against the decisions of the Fourth Board of Appeal of OHIM of 12 May 2004 (Cases R 1034/2001-4 and R 1036/2001-4) concerning opposition proceedings between Panrico, SA and House of Donuts International.

Information relating to the case

Applicant for the Community trade mark:	House of Donuts International
Community trade mark sought:	Figurative mark ‘House of donuts’ for goods and services in classes 30, 32 and 42 — Application No 474486
Proprietor of the mark or sign cited in the opposition proceedings:	Panrico, SA
Mark or sign cited in opposition:	Spanish word and figurative marks ‘DONUT’ and ‘donuts’ for goods and services in classes 30, 32 and 42
Decision by the Opposition Division:	Registration refused
Decision of the Board of Appeal:	Appeal dismissed

Operative part

The Court:

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

Order of the Court of First Instance (Second Chamber, Extended Composition) of 23 April 2007 — SID v Commission

(Case T-30/03)

State aid — Decision not to raise any objections — Actions for annulment —
Admissibility — Definition of interested party — Trade union

Actions for annulment — Natural or legal persons — Measures of direct and individual concern to them (Arts 88(2) and (3) EC and 230, fourth para., EC) (see paras 21-42)

Re:

ACTION for annulment of Commission Decision C(2002) 4370 final of 13 November 2002 not to raise objections to the Danish fiscal measures applicable to seafarers on board vessels registered in the Danish international register.

Operative part

1. The application is dismissed as inadmissible;

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