

**Judgment of the Court of First Instance (Fifth Chamber) of 6 November 2007 —
Omega v OHIM — Omega Engineering (Ω OMEGA)**

(Case T-90/05)

Community trade mark — Opposition proceedings — Application for the figurative and word Community trade mark Ω OMEGA — Earlier national word mark OMEGA — Relative ground for refusal — Reliance by the applicant for the Community trade mark on a national trade mark identical to that applied for and earlier than the national mark cited in opposition — 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 42, 43, 50)

Re:

ACTION brought against the decision of the Second Board of Appeal of OHIM of 10 December 2004 (Case R 330/2002-2) relating to opposition proceedings between Omega Engineering, Inc. and Omega SA.

Information relating to the case

Applicant for the Community trade mark:	Omega SA
Community trade mark sought:	Figurative and word mark Ω OMEGA relating to goods and services in Classes 3, 9, 14, 16, 25, 28, 35, 37, 38, 41 and 42 — Application No 225771
Proprietor of the mark or sign cited in the opposition proceedings:	Omega Engineering, Inc.

Mark or sign cited in opposition:	National figurative work marks OMEGA, MICROMEGA, OMEGA.COM, OMEGA-SOFT, OMEGANET, concerning goods in Classes 1, 2, 6, 7, 8, 9, 11, 14, 16, 17, 18, 35, 41 and 42
Decision of the Opposition Division:	Refusal to register goods and services in Classes 9 and 42
Decision of the Board of Appeal:	Appeal dismissed

Operative part

The Court:

1. Dismisses the action;
2. Orders Omega SA to pay the costs.

Order of the Court of First Instance (First Chamber) of 6 November 2007 —

Cemex UK Cement v Commission

(Case T-13/07)

Action for annulment — Environment — Directive 2003/87/EC — Scheme for greenhouse gas emission allowance trading — Commission Decision approving the United Kingdom national allocation plan for emission allowances — Competence of the Member States as regards the individual allocation of emission allowances — Lack of direct and individual concern — Inadmissibility

Actions for annulment — Natural or legal persons — Measures of direct and individual concern to them (Art. 230, fourth para., EC) (see paras 41, 56)