

Information relating to the case

Applicant for the Community trade mark:	Steninge Slott AB
Community trade mark sought:	Word mark STENINGE SLOTT for goods in Class 21
Proprietor of the mark or sign cited in the opposition proceedings:	Hammarplast AB
Mark or sign cited in opposition:	National mark STENINGE KERAMIK for goods in the same class
Decision of the Opposition Division:	Refusal of registration
Decision of the Board of Appeal:	Appeal allowed

Operative part

The Court:

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

Judgment of the Court of First Instance (Fourth Chamber) of 25 October 2006 — Castell del Remei v OHIM — Bodegas Roda (ODA)

(Case T-13/05)

Community trade mark — Opposition proceedings — Earlier international word mark RODA and earlier national word marks BODEGAS RODA, RODA I and RODA II — Application for a Community word mark ODA — 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 (Council Regulation No 40/94, Art. 8(1)(b)) (see paras 56, 61, 63)

Re:

APPLICATION for annulment of the decision of the First Board of Appeal of OHIM of 27 October 2004 (Case R 691/2003-1), concerning opposition proceedings between Bodegas Roda SA and Castell del Remei, SL.

Information relating to the case

Applicant for the Community trade mark:	Castell del Remei, SL
Community trade mark sought:	Word mark ODA for goods in Class 33 — Application No 1655786
Proprietor of the mark or sign cited in the opposition proceedings:	Bodegas Roda, SA
Mark or sign cited in opposition:	International word mark RODA (No 703486), Spanish word mark BODEGAS RODA for wines and spirits in Class 33, Spanish word marks RODA (No 1757553), RODA I (No 2006616), RODA II (No 2006615) and national Greek mark RODA (No 137050) for wines and spirits in Class 33, commercial name BODEGAS RODA for the 'commerce dedicated to the development and growing of wine'
Decision of the Opposition Division:	Opposition allowed and application for registration dismissed
Decision of the Board of Appeal:	Appeal dismissed

Operative part

The Court:

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