

**Order of the Court of First Instance (Fifth Chamber) of 15 November 2006 —
Anheuser-Busch v OHIM — Budějovický Budvar (BUDWEISER)
(Case T-366/05)**

Community trade mark — Opposition proceedings — Application for the
Community word mark BUDWEISER — Earlier international word marks and
figurative marks BUDWEISER and BUDWEISER BUDVAR — Refusal to register —
Restriction of the goods covered — Action manifestly lacking any foundation in law

*Community trade mark — Appeals procedure (Council Regulation No 40/94, Art. 63)
(see paras 27-48)*

Re:

ACTION brought against the decision of the Second Board of Appeal of OHIM of
11 July 2005 (Case R 514/2004-2) relating to opposition proceedings between
Budějovický Budvar, národní podnik, and Anheuser-Busch, Inc.

Information relating to the case

Applicant for the Community trade mark:	Anheuser-Busch, Inc.
Community trade mark sought:	Word mark BUDWEISER for goods in Classes 32 and 33 — Application No 1603489
Proprietor of the mark or sign cited in the opposition proceedings:	Budějovický Budvar, národní podnik
Mark or sign cited in opposition:	International figurative and word marks BUDWEISER and BUDWEISER BUDVAR for goods in Classes 31 and 32
Decision of the Opposition Division:	Opposition upheld in respect of all the products in dispute
Decision of the Board of Appeal:	Appeal dismissed

Operative part

The Court:

1. Dismisses the action;
2. Orders Anheuser Busch, Inc., to pay its own costs and those incurred by the Office for Harmonization in the Internal Market (Trade Marks and Designs) and by Budějovický Budvar, národní podnik.

**Judgment of the Court of First Instance (Fifth Chamber)
of 16 November 2006 — Jabones Pardo v OHIM — Quimi Romar (YUKI)**

(Case T-278/04)

Community trade mark — Opposition proceedings — Earlier national word mark YUPI — Application for the Community word mark YUKI — Relative ground for refusal — Likelihood of confusion — Article 8(1)(b) of Regulation (EC) No 40/94 — Findings of OHIM — Admissibility

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 para. 70)