Operative part

The Court:

1. Dismisses the action;

2. Orders Giordano Enterprises Ltd to bear its own costs and to pay those incurred by the Office for Harmonisation in the Internal Market (Trade Marks and Designs).

Judgment of the General Court (Sixth Chamber) of 17 December 2009 — Notartel v OHIM — SAT.1 (R.U.N.)

(Case T-490/07)

(Community trade mark — Opposition proceedings — Application for Community word mark R.U.N. — Earlier Community and national word marks "ran" — Relative ground for refusal — Likelihood of confusion — Article 8(1)(b) of Regulation (EC) No 40/94 (now Article 8(1)(b) of Regulation (EC) No 207/2009) — Obligation to state reasons — Article 73 of Regulation No 40/94 (now Article 75 of Regulation No 207/2009) — Partial refusal of registration)

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 — Likelihood of confusion with the earlier mark (Council Regulation No 40/94, Art. 8(1)(b)) (see paras 52, 71)

Re:

ACTION brought against the decision of the Fourth Board of Appeal of OHIM of 22 October 2007 (Case R 1267/2006-4) concerning opposition proceedings between SAT.1 SatellitenFernsehen GmbH and Notartel SpA — Società informatica del Notariato.

Information relating to the case

Applicant for the Community trade mark:	Notartel SpA — Sociétà informatica del Notariato
Community trade mark sought:	Word mark R.U.N. for services in Classes 35, 38 and 42 — Application No 1069863
Proprietor of the mark or sign cited in the opposition proceedings:	SAT.1 SatellitenFernsehen GmbH
Mark or sign cited in opposition:	Community and national word mark ran, for goods and services in Classes 9, 35, 38, 41 and 42
Decision of the Opposition Division:	Opposition dismissed
Decision of the Board of Appeal:	Appeal allowed in part, in respect of some services in Classes 38 and 42

Operative part

The Court:

1. Dismisses the action;

2. Orders Notartel SpA — Società informatica del Notariato to pay the costs.

ORDER OF THE PRESIDENT OF THE GENERAL COURT of 17 December 2009 — VERENIGING MILIEUDEFENSIE AND STICHTING STOP LUCHTVERONTREINIGING UTRECHT V COMMISSION

(Case T-396/09 R)

(Interim measures — Obligation of the Member States to protect and improve ambient air quality — Exemption granted to a Member State — Commission's