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(Information)

COURT OF JUSTICE

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Order of the Court (Sixth Chamber) of 19 January 2006 — Audi AG v OHIM

(Case C-82/04 P) [1]

(Appeal — Community trade mark — Word mark 'TDI' — Refusal of registration — Appeal which has become devoid of purpose — No need to adjudicate)

(2006/C 154/01)

Language of the case: German

Parties

Applicant: Audi AG (represented by: L. von Zumbusch, avocat)

Defendant: Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by: G. Schneider, Agent)

Re:

Appeal against the judgment of the Court of First Instance (Second Chamber) of 3 December 2003 in Case T-16/02 Audi v OHIM dismissing the action brought against decision R 652/2000-1 of the First Board of Appeal of OHIM of 8 November 2001 refusing registration as a Community trade mark of the word sign 'TDI' for certain goods in classes 12 and 37 — Descriptive nature as absolute ground for refusal — Article 7(1)(c) of Council Regulation (EC) No 40/94 of 20 December 1993 on the Community trade mark (OJ 1994 L 11, p. 1)

Operative part of the order

1. *There is no need to adjudicate on the appeal brought by Audi AG;*

2. *Audi AG is ordered to pay the costs of these proceedings.*

[1] OJ C 106, 30.04.2004.

Order of the Court (Sixth Chamber) of 16 February 2006 — Adriatica di Navigazione SpA v Commission of the European Communities

(Case C-111/04 P) [1]

(Appeal — Article 85(1) of the EC Treaty (now Article 81(1) EC) — Competition — Cartels — Agreement between undertakings — Proof of participation of an undertaking in a cartel)

(2006/C 154/02)

Language of the case: Italian

Parties

Applicant: Adriatica di Navigazione SpA (represented by: M. Siragusa and F. Moretti, lawyers)

Other party to the proceedings: Commission of the European Communities (represented by: R. Lyal and L. Pignataro, Agents, assisted by A. Dal Ferro, lawyer)

Re:

Appeal brought against the judgment of the Court of First Instance (Fifth Chamber) of 11 December 2003 in Case T-61/99 *Adriatica di Navigazione v Commission* dismissing as unfounded an action for annulment of the Commission's decision of 9 December 1998 relating to a proceeding under Article 85 of the EC Treaty (IV/34466 — Greek Ferry Boats)

Operative part of the order

1. *The appeal is dismissed;*

2. *The cross-appeal of the Commission of the European Communities is dismissed;*

3. *Adriatica di Navigazione SpA shall pay 90 % of the costs;*

4. *The Commission of the European Communities shall pay 10 % of the costs.*

(1) OJ C 106 of 30.04.2004

Order of the Court (Fourth Chamber) of 21 February 2006 — Deutsche Post AG, DHL Express (Italy) Srl, formerly DHL International Srl v Commission of the European Communities, Italian Republic, Poste Italiane SpA

(Case C-367/04 P) (1)

(Appeal — Aid granted by the Italian authorities in favour of Poste Italiane)

(2006/C 154/03)

Language of the case: German

Parties

Applicants: Deutsche Post AG, DHL Express (Italy) Srl, formerly DHL International Srl (represented by: J. Sedemund and T. Lübbig, avocats)

Other parties to the proceedings: Commission of the European Communities (represented by: V. Kreuschitz and M. Niejahr, Agents), Italian Republic (represented by I. Braguglia, Agent, and D. Del Gaizo, avocat), Poste Italiane SpA (represented by: A. Sandulli, A. Fratini and B. O'Connor, avocats)

Re:

Appeal against the order of the Court of First Instance (Second Chamber, Extended Composition) of 27 May 2004 in Case T-358/02 Deutsche Post and DHL International Srl v Commission dismissing as inadmissible the action for annulment of Commission Decision 2002/782/EC of 12 March 2002 on the State aid granted by Italy to Poste Italiane SpA (formerly Ente Poste Italiane) (OJ 2002 L 282, p.29)

Operative part of the order

1. *The appeal is dismissed;*

2. *Deutsche Post AG and DHL Express (Italy) Srl, formerly DHL International Srl, are ordered to pay the costs;*

3. *The Italian Republic is ordered to bear its own costs.*

(1) OJ C 284, 20.11.2004.

Order of the Court (Third Chamber) of 16 February 2006 (reference for a preliminary ruling by the Landesgericht Korneuburg) — Plato Plastik Robert Frank GmbH v Caropack Handelsgesellschaft mbH

(Case C-26/05) (1)

(Second paragraph of Article 104(3) of the Rules of Procedure — Directive 94/62/EC — Packaging and packaging waste — Concepts of producer of packaging and producer of packaging materials — producer of plastic carrier bags)

(2006/C 154/04)

Language of the case: German

Referring court

Landesgericht Korneuburg

Parties

Applicant: Plato Plastik Robert Frank GmbH

Defendant: Caropack Handelsgesellschaft mbH

Re:

Reference for a preliminary ruling — Landesgericht Korneuburg — Interpretation of Article 3 of European Parliament and Council Directive 94/62/EC of 20 December 1994 on packaging and packaging waste (OJ 1994 L 365, p.10) — Concepts of producers of grouped, sales or transport packaging and suppliers of packaging materials — Producer of plastic carrier bags

Operative part of the order

1. *Article 3(1) and (11) of European Parliament and Council Directive 94/62/EC of 20 December 1994 on packaging and packaging waste must be interpreted as meaning that the producer of packaging is not necessarily the party who puts goods together, or causes them to be put together with the product intended as packaging. The producer of plastic carrier bags handed to customers free of charge or for a price in shops must be considered as being a producer of packaging.*

2. *Directive 94/62 must be interpreted as meaning that it is does not preclude the national legislation, such as the decree of the Federal Ministry for the Environment, Youth and Family Affairs on the avoidance and recovery of packaging waste and certain product waste and the setting-up of collection and recovery systems which provides that the producer of packaging, in particular plastic carrier bags must either accept the return of the bags after use or participate in a collection and recovery system of packaging waste unless a party further down the distribution chain takes over that obligation and the producer obtains a valid declaration on that matter.*

(1) OJ C 82 of 02.04.2005