

## I

(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) <sup>(1)</sup>

*(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.*

<sup>(1)</sup> 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) <sup>(1)</sup>

*(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;*