

Operative part of the judgment

The Court:

1. Annuls Commission Decision C(2004) 2815 of 19 July 2004 declaring a concentration to be compatible with the common market and the functioning of the EEA Agreement (Case No COMP/M.3333 — Sony/BMG);
2. Orders the Commission to bear its own costs and to pay three quarters of those incurred by the applicant;
3. Orders the applicant to bear one quarter of its costs;
4. Orders the interveners to bear their own costs.

(¹) OJ C 6 of 8.1.2005

Judgment of the Court of First Instance of 12 July 2006 — Rossi v OHIM — Marcorossi (MARCOROSI)

(Case T-97/05) (¹)

(Community trade mark — Opposition proceedings — Application for Community word mark MARCOROSI — Earlier national and international word marks MISS ROSSI — Earlier Community word mark SERGIO ROSSI — Relative ground of refusal — Likelihood of confusion)

(2006/C 224/86)

Language of the case: Italian

Parties

Applicant: Sergio Rossi SpA (San Mauro Pascoli, Italy) (represented by: A Ruo, lawyer)

Defendant: Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by: P. Bullock, acting as Agent)

Other party to the proceedings before the Board of Appeal of OHIM intervening before the Court of First Instance: Marcorossi Srl (Bodio Lomago, Italy) (represented by: P. Roncaglia, G. Lazzarotti, M. Boleto and E. Gavuzzi, lawyers)

Re:

Action brought against the decision of the Second Board of Appeal of OHIM of 17 December 2004 (Case R 226/2003-2) concerning opposition proceedings between Sergio Rossi SpA and Marcorossi Srl

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders the applicant to pay the costs incurred by the intervener and to bear its own costs;

3. Orders the Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM) to bear its own costs.

(¹) OJ C 115, 14.5.2005.

Judgment of the Court of First Instance of 14 July 2006 — Endesa v Commission

(Case T-417/05) (¹)

(Competition — Concentration — Regulation (EC) No 139/2004 — Electricity market — Decision declaring that a concentration has no Community dimension — Calculation of turnover — Accounting criteria — Adjustments — Burden of proof — Rights of the defence)

(2006/C 224/87)

Language of the case: Spanish

Parties

Applicant: Endesa SA (Madrid, Spain) (represented by: J. Flynn QC, S. Baxter, Solicitor, and M. Odriozola Alén, M. Muñoz de Juan, M. Merola, J. García de Enterría Lorenzo-Velázquez, J. Varcárcel Martínez, lawyers)

Defendant: Commission of the European Communities (represented by: F. Castillo de la Torre, É. Gippini Fournier, A. Whelan and M. Schneider, Agents)

Interveners in support of the defendant: Kingdom of Spain (represented by: N. Díaz Abad, abogado del Estado) and Gas Natural SDG SA (Barcelona, Spain) (represented by: F. González Díaz, J. Jiménez de la Iglesia and A. Leis García, lawyers)

Re:

Application for annulment of the Commission Decision of 15 November 2005 declaring that a concentration has no Community dimension (Case COMP/M.3986 — Gas Natural/Endesa)

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders the applicant to bear its own costs and the costs of the Commission and Gas Natural SDG SA, including those relating to the interlocutory proceedings;
3. Orders the Kingdom of Spain to bear its own costs.

(¹) OJ C 22 of 28.1.2006.