

Order of the Court of First Instance of 8 September 2008
— Rath v OHIM — Grandel (Epican)

(Case T-374/06) ⁽¹⁾

(Community trade mark — Opposition proceedings — Application for registration of the Community word mark Epican — Earlier Community word mark EPIGRAN — Relative ground for refusal — Likelihood of confusion — Article 8(1)(b) of Regulation (EC) No 40/94 — Action manifestly lacking any foundation in law)

(2008/C 285/75)

Language of the case: German

Parties

Applicant: Matthias Rath (Cape Town, South Africa) (represented by: S. Ziegler, C. Kleiner and F. Dehn, lawyers)

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

Other party to the proceedings before the Board of Appeal of OHIM intervening before the Court of First Instance: Dr. Grandel GmbH (Augsburg, Germany) (represented by: G. Hodapp, lawyer)

Re:

Action brought against the decision of the First Board of Appeal of OHIM of 5 October 2006 (Case R 1324/2005-1), relating to opposition proceedings between Dr. Grandel GmbH and Matthias Rath.

Operative part of the order

1. *The action is dismissed as manifestly lacking any foundation in law.*
2. *Matthias Rath shall bear his own costs and those incurred by the Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM) and Dr. Grandel GmbH.*

⁽¹⁾ OJ C 42, 24.2.2007.

Order of the Court of First Instance of 10 September 2008
— Serviço Intermunicipalizado de Gestão de Resíduos do Grande Porto (Lipor) v Commission

(Case T-26/07) ⁽¹⁾

(Action for annulment — Cohesion Fund — Regulation (EC) No 1164/94 — Reduction of financial assistance — No direct concern — Inadmissibility)

(2008/C 285/76)

Language of the case: Portuguese

Parties

Applicant: Serviço Intermunicipalizado de Gestão de Resíduos do Grande Porto (Lipor) (Baguim do Monte, Portugal) (represented by: P. Moura Pinheiro, M. Gorjão Henriques and F. Quintela, lawyers)

Defendant: Commission of the European Communities (represented by: P. Guerra e Andrade and A. Weimar, Agents)

Re:

Action for annulment of decision C(2006) 5008 of the Commission of 17 October 2006 concerning the reduction of the Cohesion Fund as regards certain projects relating to the factory for the incineration of solid urban waste of household origin in the Region of Porto.

Operative part of the order

1. *The action is dismissed as inadmissible;*
2. *Serviço Intermunicipalizado de Gestão de Resíduos do Grande Porto (Lipor) shall pay its own costs and those incurred by the Commission.*

⁽¹⁾ OJ C 82 of 17.4.2007.