

2. Annuls vacancy notice COM/2005/335 for the post of Director-General (grade A*15/A*16) of the European Anti-Fraud Office (OLAF), published by the Commission on 9 February 2005 (OJ 2005 C 34 A, p. 3);

3. Orders each party to bear its own costs.

(¹) OJ C 155, 25.6.2005.

Judgment of the Court of First Instance of 12 November 2008 — Nalocebar v OHIM — Limiñana y Botella (Limoncello di Capri)

(Case T-210/05) (¹)

(Community trade mark — Opposition proceedings — Application for figurative Community trade mark Limoncello di Capri — Earlier national word mark LIMONCHELO — Relative ground for refusal — Likelihood of confusion — Article 8(1)(b) of Regulation (EC) No 40/94)

(2009/C 6/41)

Language of the case: Italian

Parties

Applicant: Nalocebar — Consultores e Serviços Lda (São Pedro, Portugal) (represented by: G. Pasquarella and R. Pasquarella, lawyers)

Defendant: Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by: initially M. Capostagno and then O. Montalto, Agents)

Other party to the proceedings before the Board of Appeal of OHIM: Limiñana y Botella, SL (Monforte del Cid, Spain)

Re:

ACTION brought against the decision of the First Board of Appeal of OHIM of 18 March 2005 (Case R 646/2004-1) relating to opposition proceedings between Limiñana y Botella, SL and Nalocebar — Consultores e Serviços Lda.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Nalocebar — Consultores e Serviços Lda to pay the costs.

(¹) OJ C 182, 23.7.2005.

Judgment of the Court of First Instance of 19 November 2008 — Greece v Commission

(Case T-404/05) (¹)

(Cohesion Fund — Athens International Airport — Reduction of financial assistance — Principle of proportionality)

(2009/C 6/42)

Language of the case: Greek

Parties

Applicant: Hellenic Republic (represented by: M. Tassopoulou, Agent, assisted by N. Korogiannakis and N. Keramidas, lawyers)

Defendant: Commission of the European Communities (represented by: D. Triantafyllou and A. Weimar, Agents)

Re:

Application for annulment of Commission Decision C(2005) 3243 final of 1 September 2005 reducing the financial assistance granted under the Cohesion Fund for Project No 95/09/65/040 (new Athens International Airport at Spata) by Commission Decision C(96) 1356 final of 24 May 1996.

Operative part of the judgment

The Court:

1. Dismisses the action.
2. Orders the Hellenic Republic to pay the costs.

(¹) OJ C 22, 28.1.2006.

Order of the Court of First Instance of 19 November 2008 — Ralf Schröder v OHIM — (SUMCOL 01)

(Case T-187/06) (¹)

(Community plant variety rights — Plant variety SUMCOL 01 — Rejection of the application for a Community plant variety right — Lack of distinctive character of the candidate variety)

(2009/C 6/43)

Language of the case: German

Parties

Applicant: Ralf Schröder (Lüdinghausen — Germany) (represented by: initially by T. Leidereiter, W.-A. Schmidt and I. Memmler, and later by T. Leidereiter and W.-A. Schmidt, lawyers)