

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

Re:

Action brought against the decision of the First Board of Appeal of OHIM of 28 June 2007 (Case R 1653/2006-1) concerning an application for registration of a tri-dimensional sign representing a shelter for shade as a Community trade mark.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders *Somm Srl* to pay the costs.

⁽¹⁾ OJ C 283, 24.11.2007.

Judgment of the Court of First Instance of 16 December 2008 — Focus Magazin Verlag v OHIM — Editorial Planeta (FOCUS Radio)

(Case T-357/07) ⁽¹⁾

(Community trade mark — Opposition proceedings — Application for Community word mark FOCUS Radio — Earlier national word marks FOCUS MILENIUM — Relative ground for refusal — Likelihood of confusion — Article 8(1)(b) of Regulation (EC) No 40/94)

(2009/C 32/62)

Language of the case: English

Parties

Applicant: Focus Magazin Verlag GmbH (Munich, Germany) (represented by: B. Müller, R. Schweizer and T. Schwarz, lawyers)

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

Other party to the proceedings before the Board of Appeal of OHIM: Editorial Planeta, SA (Barcelona, Spain)

Re:

Action brought against the decision of the Fourth Board of Appeal of OHIM of 30 July 2007 (Case R 269/2005-4) relating to opposition proceedings between Editorial Planeta, SA, and Focus Magazin Verlag GmbH.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Focus Magazin Verlag GmbH to pay the costs.

⁽¹⁾ OJ C 269, 10.11.2007.

Judgment of the Court of First Instance of 17 December 2008 — Commission v Cooperação e Desenvolvimento Regional

(Case T-174/08) ⁽¹⁾

(Arbitration clause — Contract for financial assistance concluded under a specific programme in the field of telematic applications of common interest — Encata Project — Reimbursement of sums advanced — Late-payment interest — Default procedure)

(2009/C 32/63)

Language of the case: Portuguese

Parties

Applicant: Commission of the European Communities (represented by: M. Afonso, acting as Agent)

Defendant: Cooperação e Desenvolvimento Regional, SA (Setúbal, Portugal)

Re:

Action under Article 238 EC seeking an order that the defendant reimburse part of the amount advanced by the European Community, together with late-payment interest, under contract SU 1001 (SU) Encata.

Operative part of the judgment

The Court:

1. Orders Cooperação e Desenvolvimento Regional, SA to reimburse to the Commission of the European Communities the sum of EUR 63 349,27, together with late-payment interest:
 - at the rate of 6.29 % per annum from 31 January 2001 to the date of the present judgment;
 - at the annual rate applied under Irish law, that is to say, currently Article 26 of the Debtors (Ireland) Act 1840, as amended, up to the rate of 6.29 % per annum from the date of the present judgment to full clearance of the debt;
2. Orders Cooperação e Desenvolvimento Regional to pay the costs.

⁽¹⁾ OJ C 183, 19.7.2008.