

## COURT OF FIRST INSTANCE

### Judgment of the Court of First Instance of 22 April 2009 — CESD-Communautaire v Commission

(Case T-286/05) <sup>(1)</sup>

*(Public procurement — Declaration of a serious breach of contract — Article 93(1)(f) of Regulation (EC, Euratom) No 1605/2002 — Action for annulment — Error of law — Jurisdiction of the Court of First Instance — Legal interest in bringing proceedings — Admissibility — Misuse of powers — Manifest error of assessment — Statement of reasons — Right to a fair hearing)*

(2009/C 129/19)

*Language of the case: French*

#### Parties

*Applicant:* Centre européen pour la statistique et le développement ASBL (CESD-Communautaire) (Luxembourg, Luxembourg) (represented by: D. Grisay and D. Piccininno, lawyers)

*Defendant:* Commission of the European Communities (represented by: F. Dintilhac and G. Wilms, acting as Agents)

#### Re:

Application for annulment of the Commission's letter of 18 May 2005 by which it informed the applicant that it had taken the decision to declare, as regards various contracts referred to, that there had been a serious breach of contract under Article 93(1)(f) of Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities (OJ 2002 L 248, p. 1)

#### Operative part of the judgment

*The Court:*

1. *dismisses the action;*
2. *orders Centre européen pour la statistique et le développement ASBL (CESD-Communautaire) to pay the costs.*

<sup>(1)</sup> OJ C 229, 17.9.2005.

### Judgment of the Court of First Instance of 2 April 2009 — Zuffa v OHIM (ULTIMATE FIGHTING CHAMPIONSHIP)

(Case T-118/06) <sup>(1)</sup>

*(Community trade mark — Application for the Community word mark ULTIMATE FIGHTING CHAMPIONSHIP — Absolute grounds for refusal — Lack of distinctive character — Descriptive character — Duty to state reasons — Articles 7(1)(b) and (c) and 73 of Regulation (EC) No 40/94)*

(2009/C 129/20)

*Language of the case: English*

#### Parties

*Applicant:* Zuffa, LLC (Las Vegas, Nevada, United States) (represented by: S. Malynicz, Barrister, M. Blair and C. Balme, Solicitors)

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

#### Re:

Action brought against the decision of the First Board of Appeal of OHIM of 30 January 2006 (Case R 931/2005-1) concerning registration of the word sign ULTIMATE FIGHTING CHAMPIONSHIP as a Community trade mark.

#### Operative part of the judgment

*The Court:*

1. *Annuls the decision of the First Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM) of 30 January 2006 (Case R 931/2005-1) in so far as it dismisses the appeal brought by Zuffa, LLC, on the basis of Article 7(1)(b) and (c) of Council Regulation (EC) NO 40/94 of 20 December 1993 on the Community trade mark;*
2. *Orders OHIM to pay the costs.*

<sup>(1)</sup> OJ C 131, 3.6.2006.