

**Judgment of the Court of First Instance of 17 June 2009 —
Portugal v Commission**

(Case T-50/07) ⁽¹⁾

(EAGGF — Guarantee Section — Expenditure excluded from Community financing — Arable crops — Durum wheat — Period of 24 months — First communication referred to in Article 8(1) of Regulation (EC) No 1663/95 — On-the-spot checks — Remote sensing — Effectiveness of checks — Results of checks — Corrective action to be taken by the Member State concerned — Existence of financial harm to the EAGGF)

(2009/C 180/82)

Language of the case: Portuguese

Parties

Applicant: Portuguese Republic (represented by: L. Fernandes, P. Barros da Costa, Agents, assisted by M. Figueiredo, lawyer)

Defendant: Commission of the European Communities (represented by: P. Guerra e Andrade and F. Jimeno Fernández, Agents)

Re:

Application for partial annulment of Commission Decision 2006/932/EC of 14 December 2006 excluding from Community financing certain expenditure incurred by the Member States under the Guarantee Section of the European Agricultural Guidance and Guarantee Fund (EAGGF) (OJ 2006 L 355, p. 96), in so far as it excludes from Community financing certain expenditure incurred by the Portuguese Republic in the sector of arable crops (durum wheat).

Operative part of the judgment

The Court:

1. Annuls Commission Decision 2006/932/EC of 14 December 2006 excluding from Community financing certain expenditure incurred by the Member States under the Guarantee Section of the European Agricultural Guidance and Guarantee Fund EAGGF in so far as that decision excludes in respect of the Portuguese Republic certain expenditure incurred in the sector of arable crops (durum wheat) during the marketing year 2003;
2. Dismisses the action as to the remainder;
3. Orders each party to bear its own costs.

⁽¹⁾ OJ C 95, 28.4.2007.

**Judgment of the Court of First Instance of 11 June 2009 —
Last Minute Network v OHIM — Last Minute Tour (LAST
MINUTE TOUR)**

(Joined Cases T-114/07 and T-115/07) ⁽¹⁾

(Community trade mark — Cancellation proceedings — Community figurative mark LAST MINUTE TOUR — Earlier unregistered national mark LASTMINUTE.COM — Relative ground for refusal — Reference to the national law governing the earlier mark — Action for passing off — Article 8(4) and Article 52(1)(c) of Regulation (EC) No 40/94 (now Article 8(4) and Article 53(1)(c) of Regulation (EC) No 207/2009)

(2009/C 180/83)

Language of the case: English

Parties

Applicant: Last Minute Network Ltd (London, United Kingdom) (represented by: P. Brownlow, Solicitor, and S. Malynicz, Barrister)

Defendant: Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by: D. Botis and A. Folliard-Monguiral, acting as Agents)

Other party to the proceedings before the Board of Appeal of OHIM, intervening before the Court of First Instance: Last Minute SpA (Milan, Italy) (represented by: D. Caneva and G. Locurto, lawyers)

Re:

Two actions brought against the Decisions of the Second Board of Appeal of OHIM of 8 February 2007 (Cases R 256/2006-2 and R 291/2006-2), concerning cancellation proceedings between Last Minute Network Ltd and Last Minute Tour SpA.

Operative part of the judgment

The Court:

1. Annuls the decisions of the Second Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM) of 8 February 2007 (Cases R 256/2006-2 and R 291/2006-2);
2. Declares that there is no need to adjudicate on the second head of claim of Last Minute Network Ltd;
3. Orders OHIM to pay the costs incurred by Last Minute Network;
4. Orders Last Minute Tour SpA to bear its own costs.

⁽¹⁾ OJ C 129, 9.6.2007.