

2. *Orders Perfetti Van Melle SpA to pay the costs.*

(<sup>1</sup>) OJ C 64, 8.3.2008.

**Judgment of the Court of First Instance of 2 July 2009 —  
Fitoussi v OHIM — Lorient (IBIZA REPUBLIC)**

(Case T-311/08) (<sup>1</sup>)

*(Community trade mark — Opposition proceedings — Application for figurative Community trade mark IBIZA REPUBLIC — Earlier figurative national mark depicting a five-pointed star in a circle — Absolute ground for refusal — No likelihood of confusion — Article 8(1)(b) of Regulation (EC) No 40/94 (now Article 8(1)(b) of Regulation (EC) No 207/2009))*

(2009/C 193/32)

*Language of the case: French*

#### Parties

*Applicant:* Paul Fitoussi (Vincennes, France) (represented by: K. Manhaeve, T. van Innis and G. Glas, lawyers)

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

*Other party to the proceedings before the Board of Appeal of OHIM:* Bernadette Nicole J. Lorient (Ibiza, Spain)

#### Re:

Action brought against the decision of 7 May 2008 of OHIM's Second Board of Appeal (Case R 1135/2007-2) relating to opposition proceedings between Paul Fitoussi and Bernadette Nicole J. Lorient

#### Operative part of the judgment

*The Court:*

1. *Dismisses the action;*
2. *Orders Paul Fitoussi to pay the costs.*

(<sup>1</sup>) OJ C 272, of 25.10.2008.

**Order of the Court of First Instance of 10 June 2009 —  
Poland v Commission**

(Case T-258/04) (<sup>1</sup>)

*(Action for annulment — Transitional measures to be adopted by reason of the accession of new Member States — Regulation (EC) No 60/2004 laying down transitional measures in the sugar sector — Time-limit for bringing action — Point from which time starts to run — Lateness — Inadmissibility)*

(2009/C 193/33)

*Language of the case: Polish*

#### Parties

*Applicant:* Republic of Poland (represented by: J. Pietras and E. Ośniecka-Tamecka, initially, then T. Nowakowski and finally M. Dowgiewilcz, Agents)

*Defendant:* Commission of the European Communities (represented by: L. Visaggio and A. Stobiecka-Kuik, initially, then T. van Rijn, L. Visaggio and A. Stobiecka-Kuik, Agents)

*Intervener in support of the applicant:* Republic of Cyprus (represented by: P. Kliridis, Agent)

#### Re:

Annulment of Articles 5, 6(1) to (3), 7(1) and 8(2)(a) of Commission Regulation (EC) No 60/2004 of 14 January 2004 laying down transitional measures in the sugar sector by reason of the accession of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia (OJ 2004 L 9, p. 8)

#### Operative part of the order

1. *The action is dismissed as inadmissible.*
2. *The Republic of Poland is ordered to bear its own costs and to pay those of the Commission.*
3. *The Republic of Cyprus is ordered to bear its own costs.*

(<sup>1</sup>) OJ C 251, of 9.10.2004.