

Interveners in support of the defendant: Bertelsmann AG (Gütersloh, Germany) (represented by: P. Chappatte and J. Boyce, Solicitors); Sony BMG Music Entertainment BV (Vianen, Netherlands); and Sony Corporation of America (New York, New York, United States) (represented by N. Levy, Barrister, and by R. Snelders and T. Graf, lawyers)

Re:

Application for annulment of Commission Decision 2005/188/EC of 19 July 2004 declaring a concentration to be compatible with the common market and the functioning of the EEA Agreement (Case No COMP/M.3333 — Sony/BMG) (OJ 2005 L 62, p. 30).

Operative part of the order

1. *There is no longer any need to adjudicate on the present action.*
2. *Each party is to bear its own costs, both before the Court of First Instance and before the Court of Justice.*

⁽¹⁾ OJ C 6, 8.1.2005.

**Order of the Court of First Instance of 26 June 2009 —
Marcuccio v Commission**

(Case T-114/08 P) ⁽¹⁾

(Appeal — Staff cases — Officials — Reasonable time for the submission of a claim for compensation — Lateness — Appeal in part manifestly inadmissible and in part manifestly unfounded)

(2009/C 205/70)

Language of the case: Italian

Parties

Appellant: Luigi Marcuccio (Tricase, Italy) (represented by: G. Cipressa, lawyer)

Other party to the proceedings: Commission of the European Communities (represented by: J. Currall and C. Berardis-Kayser, acting as Agents, assisted by A. Dal Ferro, lawyer)

Re:

Appeal against the order of the Civil Service Tribunal of the European Union (First Chamber) of 14 December 2007 in Case F-21/07 *Marcuccio v Commission*, not yet published in the ECR, seeking the annulment of that order

Operative part of the order

The Court:

1. *dismisses the appeal;*
2. *orders Mr Luigi Marcuccio to bear his own costs and to pay those incurred by the Commission of the European Communities in the present case.*

⁽¹⁾ OJ C 107, 26.4.2008.

**Order of the Court of First Instance of 30 June 2009 —
Securvita v OHIM (Natur-Aktien-Index)**

(Case T-285/08) ⁽¹⁾

(Community trade mark — Application for the Community word mark Natur-Aktien-Index — Absolute ground for refusal — Lack of distinctive character — Article 7(1)(b) of Regulation (EC) No 40/94 (now Article 7(1)(b) of Regulation (EC) No 207/2009) — Request for an amendment — Manifest inadmissibility)

(2009/C 205/71)

Language of the case: German

Parties

Applicant: Securvita — Gesellschaft zur Entwicklung alternativer Versicherungskonzepte mbH (Hamburg, Germany) (represented by: M. van Eendenburg, C. Uhlig and J. Nabert, lawyers)

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

Re:

Action brought against the decision of the Fourth Board of Appeal of OHIM of 26 May 2008 (Case R 525/2007-4), concerning an application for the registration of the word sign Natur-Aktien-Index as a Community trade mark

Operative part of the judgment

The Court:

1. *dismisses the action as manifestly inadmissible;*
2. *orders Securvita Gesellschaft zur Entwicklung alternativer Versicherungskonzepte mbH to pay the costs.*

⁽¹⁾ OJ C 247, 27.9.2008.