

**Order of the Court of First Instance of 3 December 2009 — Iranian Tobacco v OHIM — AD Bulgartabac (TIR 20 FILTER CIGARETTES)**

(Case T-245/08) <sup>(1)</sup>

*(Community trade mark — Revocation proceedings — Figurative Community trade mark TIR 20 FILTER CIGARETTES — Interest in bringing proceedings not required — Article 55(1)(a) of Regulation (EC) No 40/94 (now Article 56(1)(a) of Regulation (EC) No 207/2009)*

(2010/C 24/85)

Language of the case: German

**Parties**

*Applicant:* Iranian Tobacco Co. (Tehran, Iran) (represented by: A. Beckensträter, lawyer)

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

*Other party to the proceedings before the Board of Appeal of OHIM intervening before the Court of First Instance:* AD Bulgartabac Holding Sofia (Sofia, Bulgaria) (represented by: M. Maček, lawyer)

**Re:**

Action brought against the decision of the First Board of Appeal of OHIM of 11 April 2008 in Case R 708/2007-1 concerning revocation proceedings between AD Bulgartabac Holding Sofia and Iranian Tobacco Co

**Operative part of the order**

1. Dismisses the action;
2. orders Iranian Tobacco to pay the costs.

<sup>(1)</sup> OJ C 223 of 30.8.2008

**Judgment of the General Court of 9 December 2009 — Commission v Birkhoff**

(Case T-377/08 P) <sup>(1)</sup>

*(Appeal — Staff case — Officials — Social security — Health insurance — Reimbursement of medical expenses — Annulment at first instance of the decision refusing the prior authorisation for reimbursement of the costs of acquisition of a wheelchair — Distortion of the clear sense of evidence)*

(2010/C 24/86)

Language of the case: German

**Parties**

*Appellant:* European Commission (represented by: J. Currall and B. Eggers, acting as Agents)

*Other party to the proceedings:* Gerhard Birkhoff (Weitnau, Germany) (represented by: C. Inzillo, lawyer)

**Re:**

Appeal brought against the judgment of the Civil Service Tribunal (First Chamber) of 8 July 2008 in Case F 76/07 *Birkhoff v Commission*, seeking to have that judgment set aside.

**Operative part of the judgment**

The Court:

1. Sets aside the judgment of the European Union Civil Service Tribunal (First Chamber) of 8 July 2008 in Case F-76/07 *Birkhoff v Commission*, not published in the ECR;
2. Sets aside the decision of the Settlements Office of 8 November 2006.
3. Orders Mr Gerhard Birkhoff and the European Commission to bear their own costs in relation to the present instance.
4. Orders the Commission to pay all the costs relating to the proceedings at first instance.

<sup>(1)</sup> OJ C 327, 20.12.2008.