

Judgment of the General Court of 28 April 2010 — Claro v OHIM — Telefónica (Claro)

(Case T-225/09) ⁽¹⁾

(Community trade mark — Opposition proceedings — Application for the Community three-dimensional mark Claro — Earlier Community word mark CLARO — Inadmissibility of the appeal brought before the Board of Appeal — Articles 59 and 62 of Regulation (EC) No 40/94 (now Articles 60 and 64 of Regulation (EC) No 207/2009) — Rule 49(1) of Regulation (EC) No 2868/95)

(2010/C 148/53)

Language of the case: Spanish

Parties

Applicant: Claro, SA (São Paulo, Brazil) (represented by: E. Armijo Chávarri and A. Castán Pérez-Gómez, lawyers)

Defendant: Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM) (represented by: J.F. Crespo Carrillo, acting as Agent)

Other party to the proceedings before the Board of Appeal of OHIM: Telefónica SA (Madrid, Spain)

Re:

Action brought against the decision of the Second Board of Appeal of OHIM of 26 February 2009 (Case R 1079/2008-2), relating to opposition proceedings between Telefónica, SA and BCP S/A

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Claro, SA to pay the costs.

⁽¹⁾ OJ C 180, 1.8.2009.

Order of the General Court of 13 April 2010 — Diputación Foral de Álava and Others v Commission

(Joined Cases T-529/08 to T-531/08) ⁽¹⁾

(Application for annulment — State aid — Tax advantages — Recovery of State aid declared unlawful — Application of compound interest scheme — Confirmatory act — Inadmissibility)

(2010/C 148/54)

Language of the case: Spanish

Parties

Applicants: Territorio Histórico de Álava — Diputación Foral de Álava and Others (Spain) (Case T-529/08); Territorio Histórico de Guipúzcoa — Diputación Foral de Guipúzcoa (Spain) (Case T-530/08); and Territorio Histórico de Vizcaya — Diputación Foral de Vizcaya (Spain) (Case T-531/08) (represented by: I. Sáenz-Cortabarría Fernández and M. Morales Isasi, lawyers)

Defendant: European Commission (represented by: C. Urraca Caviedes, acting as Agent)

Re:

Application for annulment of the Commission's letter of 2 October 2008, communicating to the applicants that it is necessary to apply compound interest in the context of the recovery of State aid declared unlawful by Commission Decisions 2002/820/EC, 2002/894/EC and 2003/27/EC of 11 July 2001 on the State aid scheme implemented by Spain for firms in respectively Álava, Guipúzcoa and Vizcaya in the form of a tax credit amounting to 45 % of investments (respectively, OJ 2002 L 296, p. 1, OJ 2002 L 314, p. 26, and OJ 2003 L 17, p. 1), and Commission Decisions 2002/892/EC, 2002/540/EC and 2002/806/EC of 11 July 2001 on the State aid scheme applied by Spain to certain newly established firms in respectively Álava, Guipúzcoa and Vizcaya (respectively, OJ 2002 L 314, p. 1, OJ 2002 L 174, p. 31 and OJ 2002 L 279, p. 35), which were upheld by the judgments of the General Court in Joined Cases T-227/01 to T-229/01, T-265/01, T-266/01 and T-270/01 *Diputación Foral de Álava and Others v Commission* [2009] ECR II-0000; and Joined Cases T-230/01 and T-267/01 to T-269/01 *Diputación Foral de Álava and Others v Commission* [2009] ECR II-0000.

Operative part of the order

1. The actions are dismissed as inadmissible.