

Judgment of the General Court of 12 May 2010 — Bui Van v Commission(Case T-491/08 P) ⁽¹⁾*(Appeal — Staff case — Officials — Appointment — Classification in grade — Withdrawal of an administrative measure — Protection of legitimate expectations — Reasonable time — Right to be heard)*

(2010/C 179/63)

Language of the case: French

Parties

Appellant: Philippe Bui Van (Hettange-Grande, France) (represented by: P. Nelissen Grade, lawyer)

Other party to the proceedings: European Commission (represented by: J. Currall and G. Berscheid, Agents)

Re:Appeal against the judgment of the European Union Civil Service Tribunal (Second Chamber) of 11 September 2008 in Case F-51/07 *Bui Van v Commission*, not yet published in the ECR, for annulment of that judgment.**Operative part of the judgment**

The Court:

1. Annuls the judgment of the European Union Civil Service Tribunal (Second Chamber) of 11 September 2008 in Case F-51/07 *Bui Van v Commission* inasmuch as it awards Philippe Bui Van damages of EUR 1 500;
2. Dismisses the appeal and the remainder of the claims in the cross-appeal;
3. Remits the case to the Civil Service Tribunal for it to give judgment on the action for damages;
4. Reserves the costs.

⁽¹⁾ OJ C 32, 7.2.2009.**Judgment of the General Court of 11 May 2010 — Wessang v OHIM — Greinwald (star foods)**(Case T-492/08) ⁽¹⁾*(Community trade mark — Opposition proceedings — Application for the figurative Community trade mark star foods — Earlier Community figurative and word marks STAR SNACKS — Relative ground for refusal — Likelihood of confusion — Article 8(1)(b) of Regulation No 40/94 (now Article 8(1)(b) of Regulation No 207/2009))*

(2010/C 179/64)

Language of the case: German

Parties

Applicant: Nicolas Wessang (Zimmerbach, France) (represented by: A. Grolée, lawyer)

Defendant: Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM) (represented by: A. Führer and G. Schneider, acting as Agents)

Other party to the proceedings before the Board of Appeal of OHIM: Greinwald GmbH (Kempten, Germany) (represented by: A. Schulz, lawyer)

Re:

Action brought against the decision of the Fourth Board of Appeal of OHIM of 17 September 2008 (Case R 1408/2007-4) relating to opposition proceedings between Nicolas Wessang and Greinwald GmbH

Operative part of the judgment

The Court:

1. Annuls the decision of the Fourth Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM) of 17 September 2008 (Case R 1408/2007-4);
2. orders Greinwald GmbH to bear its own costs and to pay a third of Nicolas Wessang's costs;
3. orders Wessang to bear two-thirds of his own costs;