

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Enercon GmbH to pay the costs.

(¹) OJ C 301, 22.11.2008.

**Judgment of the General Court of 21 September 2010 —
Villa Almè v OHIM — Marqués de Murrieta (i GAI)**

(Case T-546/08) (¹)

(Community trade mark — Opposition proceedings — Application for Community figurative mark iGAI — National word mark YGAY and Community figurative and word marks MARQUÉS DE MURRIETA YGAY — Relative grounds for refusal — Genuine use of the earlier mark — Article 43(2) and (3) of Regulation (EC) No 40/94 (now Article 42(2) and (3) of Regulation (EC) No 207/2009) — Likelihood of confusion — Article 8(1)(b) of Regulation No 40/94 (now Article 8(1)(b) of Regulation No 207/2009))

(2010/C 301/46)

Language of the case: Italian

Parties

Applicant: Villa Almè Azienda vitivinicola di Vizzotto Giuseppe (Mansuè, Italy) (represented by: G. Massa and P. Massa, lawyers)

Defendant: Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by: O. Montalto and A. Sempio, Agents)

Other party to the proceedings before the Board of Appeal of OHIM, intervener before the General Court: Marqués de Murrieta, SA (Logroño, Spain) (represented by P. López Ronda and G. Macias Bonilla, lawyers)

Re:

Action brought against the decision of the First Board of Appeal of OHIM of 24 September 2008 (Case R 1695/2007-1), relating to opposition proceedings between Bodegas Marqués de Murrieta, SA and Villa Almè Azienda vitivinicola di Vizzotto Giuseppe.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Villa Almè Azienda vitivinicola di Vizzotto Giuseppe to pay the costs.

(¹) OJ C 44, 21.2.2009.

**Order of the General Court of 6 September 2010 —
Portuguese Republic v Transnautica and Commission**

(Case T-385/05 TO) (¹)

(Third-party proceedings — Opportunity for the third party to take part in the original case — No prejudicial effects on the rights of the third party — Inadmissibility)

(2010/C 301/47)

Language of the case: English

Parties

Third Party: Portuguese Republic (represented by: L. Inez Fernandes, A.C. Santos, J. Gomes and P. Rocha, Agents)

Other parties to proceedings: Transnautica — Transportes e Navegação, SA, (Matosinhos, Portugal) (represented by C. Fernández Vicién, D. Ortigão Ramos, P. Carmona Botana, M.T. López Garrido and P. Vidal Matos, lawyers); and European Commission (represented by: R. Lyal and L. Bouyon, lawyers)

Re:

Application initiating third-party proceedings to contest the judgment of 23 September 2009 in Case T-385/05 *Transnautica v Commission*, not published in the ECR

Operative part of the order

1. The application initiating third-party proceedings is dismissed as inadmissible.
2. The Portuguese Republic shall bear its own costs and pay those incurred by Transnautica — Transportes e Navegação, SA, including those relating to the interim proceedings.