

**Judgment of the General Court of 7 December 2010 —
Nute Partecipazioni and La Perla v OHIM — Worldgem
Brands (NIMEI LA PERLA MODERN CLASSIC)**

(Case T-59/08) ⁽¹⁾

*(Community trade mark — Invalidity proceedings —
Community word mark NIMEI LA PERLA MODERN
CLASSIC — Earlier national figurative marks la PERLA —
Relative ground for refusal — Injury to reputation — Article
8(5) and Article 52(1)(a) of Regulation (EC) No 40/94 (now
Article 8(5) and Article 53(1)(a) of Regulation (EC)
No 207/2009)*

(2011/C 30/59)

Language of the case: Italian

Parties

Applicants: Nute Partecipazioni SpA, formerly Gruppo La Perla SpA (Bologna, Italy); and La Perla Srl (Bologna) (represented by: R. Morresi and A. Dal Ferro, lawyers)

Defendant: Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented initially by: L. Rampini, and subsequently by O. Montalto, Agents)

Other party to the proceedings before the Board of Appeal of OHIM, intervening before the General Court: Worldgem Brands Srl, formerly Worldgem Brands — Gestão e Investimentos L^{da} (Creazzo, Italy) (represented by: V. Bilardo, M. Mazzitelli and C. Bacchini, lawyers)

Re:

Action brought against the decision of the Second Board of Appeal of OHIM of 19 November 2007 (Case R 537/2004-2) concerning invalidity proceedings between Nute Partecipazioni SpA and Worldgem Brands Srl.

Operative part of the judgment

The Court:

1. Annuls the decision of the Second Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM) of 19 November 2007 (Case R 537/2004-2) in so far as it dismissed the application for a declaration of invalidity and ordered Nute Partecipazioni SpA to bear its own costs;
2. Dismisses the action as to the remainder;
3. Orders OHIM to bear its own costs together with 90 % of the costs of Nute Partecipazioni and of La Perla Srl before the Court and all the costs of Nute Partecipazioni before the Board of Appeal;
4. Orders Nute Partecipazioni and La Perla to bear 10 % of their own costs before the Court;

5. Orders Worldgem Brands Srl to bear its own costs.

⁽¹⁾ OJ C 92, 12.4.2008.

**Judgment of the General Court of 9 December 2010 —
Poland v Commission**

(Case T-69/08) ⁽¹⁾

(Approximation of laws — Directive 2001/18/EC — National provisions derogating from a harmonisation measure — Commission decision rejecting those provisions — Not notified within the six-month period laid down in the first subparagraph of Article 95(6) EC)

(2011/C 30/60)

Language of the case: Polish

Parties

Applicant: Republic of Poland (represented by: initially M. Dowgielewicz, subsequently by M. Dowgielewicz, B. Majczynna and M. Jarosz, and finally by M. Szpunar, Agents)

Defendant: Commission (represented by: M. Patakia, C. Zadra and K. Herrmann, Agents)

Interveners in support of the applicant: Czech Republic (represented by M. Smolek, Agent); Hellenic Republic (represented by A. Samoni-Rantou and M. Tassopoulou, acting as Agents); and Republic of Austria (represented initially by E. Riedl, and subsequently by E. Riedl and C. Pesendorfer, and finally by E. Riedl, C. Pesendorfer, G. Hesse and M. Fruhmann, acting as Agents),

Re:

Action for annulment of Commission Decision 2008/62/EC of 12 October 2007 relating to Articles 111 and 172 of the Polish Draft Act on Genetically Modified Organisms, notified by the Republic of Poland pursuant to Article 95(5) of the EC Treaty as derogations from the provisions of Directive 2001/18/EC of the European Parliament and of the Council on the deliberate release into the environment of genetically modified organisms (OJ 2008 L 16, p. 17),

Operative part of the judgment

The Court:

1. Annuls Commission Decision 2008/62/EC of 12 October 2007 relating to Articles 111 and 172 of the Polish Draft Act on Genetically Modified Organisms, notified by the Republic of Poland pursuant to Article 95(5) of the EC Treaty as derogations from the provisions of Directive 2001/18/EC of the European Parliament and of the Council on the deliberate release into the environment of genetically modified organisms;