

GENERAL COURT

Judgment of the General Court of 13 January 2011 — IFAW Internationaler Tierschutz-Fonds v European Commission

(Case T-362/08) ⁽¹⁾

(Access to documents — Regulation (EC) No 1049/2001 — Documents relating to the carrying out of an industrial project in an area protected under Directive 92/43/EEC — Documents originating from a Member State — Objection on the part of the Member State — Partial refusal of access — Exception relating to the economic policy of a Member State — Article 4(5) to (7) of Regulation No 1049/2001)

(2011/C 55/36)

Language of the case: English

Parties

Applicant: IFAW Internationaler Tierschutz-Fonds gGmbH (Hamburg, Germany) (represented by: S. Crosby, Solicitor and S. Santoro, lawyer)

Defendant: European Commission (represented by: C. O'Reilly and P. Costa de Oliveira, Agents)

Interveners in support of the applicant: Kingdom of Denmark (represented by J. Bering Liisberg and B. Weis Fogh, Agents); Republic of Finland (represented initially by J. Heliskoski, M. Pere and H. Leppo, and later by J. Heliskoski, Agents); and Kingdom of Sweden (represented by K. Petkovska, A. Falk and S. Johannesson, Agents)

Re:

Annulment of the Commission's decision of 19 June 2008 partly refusing to grant the applicant access to certain documents transmitted to the Commission by the German authorities in connection with a procedure for the declassification of a site protected under Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora (OJ 1992 L 206, p. 7).

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders IFAW Internationaler Tierschutz-Fonds gGmbH to bear its own costs and to pay those incurred by the European Commission;

3. Orders the Kingdom of Denmark, the Republic of Finland and the Kingdom of Sweden to bear their own costs.

⁽¹⁾ OJ C 301, 22.11.2008.

Judgment of the General Court of 13 January 2011 — Park v OHIM — Bae (PINE TREE)

(Case T-28/09) ⁽¹⁾

(Community trade mark — Revocation proceedings — Figurative Community mark PINE TREE — Genuine use of the mark — Articles 50(1)(a) and 55(1)(a) of Regulation (EC) No 40/04 (now Articles 51(1)(a) and 56(1)(a) of Regulation (EC) No 207/2009)

(2011/C 55/37)

Language of the case: German

Parties

Applicant: Mo-Hwa Park (Hillscheid, Germany) (represented by: P. Lee, lawyer)

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

Other party to the proceedings before the Board of Appeal of OHIM, intervener before the General Court: Chong-Yun Bae (Berlin, Germany) (represented by: A.-K. Warnecke and C. Donle, lawyers)

Re:

Action brought against the decision of the Fourth Board of Appeal of OHIM of 13 November 2008 (Case R 1882/2007-4) concerning revocation proceedings between Mr Mo-Hwa Park and Mr Chong-Yun Bae.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Mr Mo-Hwa Park to pay the costs..

⁽¹⁾ OJ C 82, 4.4.2009.