

Defendant: European Commission (represented by: M. Konstantinidis, P. Guerra e Andrade and P. Costa de Oliveira, Agents)

Re:

APPLICATION for annulment of Commission Decision C(2008) 7419 final of 25 November 2008, requiring payment of the penalty payments due pursuant to the judgment of the Court of Justice in Case C-70/06 *Commission v Portugal* [2008] ECR I-1

Operative part of the judgment

The Court:

1. *Annuls Commission Decision C(2008) 7419 final of 25 November 2008;*

2. *Orders the European Commission to pay the costs.*

(¹) OJ C 82, 4.4.2009.

Judgment of the General Court of 24 March 2011 — XXXLutz Marken v OHIM — Natura Selection (Linea Natura Natur hat immer Stil)

(Case T-54/09) (¹)

(Community trade mark — Opposition proceedings — Application for Community figurative mark Linea Natura Natur hat immer Stil — Earlier Community figurative mark natura selection — Relative ground for refusal — Likelihood of confusion — Similarity of the signs — Article 8(1)(b) of Regulation (EC) No 40/94 (now Article 8(1)(b) of Regulation (EC) No 207/2009)

(2011/C 145/40)

Language of the case: German

Parties

Applicant: XXXLutz Marken GmbH (Wels, Austria) (represented by: H. Pannen, lawyer)

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

Other party to the proceedings before the Board of Appeal of OHIM, intervening before the General Court: Natura Selection, SL (Barcelona, Spain) (represented by: E. Sagrañes Coca, lawyer)

Re:

Action brought against the decision of the Second Board of Appeal of OHIM of 28 November 2008 (Case R 1787/

2007-2) relating to opposition proceedings between Natura Selection, SL and XXXLutz Marken GmbH.

Operative part of the judgment

The Court:

1. *Dismisses the action;*

2. *Orders XXXLutz Marken GmbH to pay the costs.*

(¹) OJ C 90, 18.4.2009.

Judgment of the General Court of 24 March 2011 — Dover v Parliament

(Case T-149/09) (¹)

(Rules governing the payment of expenses and allowances to Members of the European Parliament — Review of the use of allowances — Parliamentary assistance allowance — Justification of expenditure — Recovery of undue payments)

(2011/C 145/41)

Language of the case: English

Parties

Applicant: Densmore Ronald Dover (Borehamwood, Hertfordshire, United Kingdom) (represented by: D. Vaughan QC, M. Lester, Barrister, and M. French, Solicitor)

Defendant: European Parliament (represented by: H. Krück, D. Moore and M. Windisch, Agents)

Re:

Application for annulment of Decision D(2009) 4639 of the Secretary-General of the European Parliament of 29 January 2009 concerning the recovery of sums paid to the applicant by way of parliamentary allowances.

Operative part of the judgment

The Court:

1. *Annuls Decision D(2009) 4639 of the Secretary-General of the European Parliament of 29 January 2009 as regards the recovery of the sum of GBP 193 001;*

2. *Dismisses the action as to the remainder;*