

Re:

Application for annulment of Commission Decision C(2007) 512 final of 21 February 2007 relating to a proceeding under Article 81 [EC] (Case COMP/E 1/38.823 — Elevators and Escalators) or, in the alternative, reduction of the amount of the fine imposed on the applicants.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Kone Oyj, Kone GmbH and Kone BV to pay the costs.

(¹) OJ C 155, 7.7.2007.

Judgment of the General Court of 15 July 2011 — Zino Davidoff v OHIM — Kleinakis kai SIA (GOOD LIFE)

(Case T-108/08) (¹)

(Community trade mark — Opposition proceedings — Application for Community word mark GOOD LIFE — Earlier national word mark GOOD LIFE — Genuine use of the earlier mark — Duty of diligence — Article 74(1) of Regulation (EC) No 40/94 (now Article 76(1) of Regulation (EC) No 207/2009))

(2011/C 269/100)

Language of the case: English

Parties

Applicant: Zino Davidoff SA (Fribourg, Switzerland) (represented by: H. Kunz-Hallstein and R. Kunz-Hallstein, lawyers)

Defendant: Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by: R. Pethke and J. Laporta Insa, acting as Agents)

Other party to the proceedings before the Board of Appeal of OHIM, intervener before the General Court: I. Kleinakis kai SIA OE (Athens, Greece) (represented by: K. Siotou, lawyer)

Re:

ACTION brought against the decision of the Second Board of Appeal of OHIM of 30 November 2007 (Case R 298/2007-2), relating to opposition proceedings between I. Kleinakis kai SIA OE and Zino Davidoff SA.

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 30 November 2007 (Case R 298/2007-2);
2. Orders OHIM to bear its own costs and to pay those incurred by Zino Davidoff SA;

3. Orders I. Kleinakis kai SIA OE to bear its own costs.

(¹) OJ C 116, 9.5.2008.

Judgment of the General Court of 13 July 2011 — Greece v Commission

(Case T-81/09) (¹)

(ERDF — Reduction of financial assistance — Operational programme falling within Objective No 1 (1994-1999), 'Accessibility and Trunk roads' in Greece — Delegation of auxiliary tasks by the Commission to third parties — Rate of financial correction — Commission discretion — Review by the courts)

(2011/C 269/101)

Language of the case: Greek

Parties

Applicant: Hellenic Republic (represented by: initially M. Tassoulou, agent, assisted by C. Meïdanis and E. Lampadariou, lawyers, then P. Mylonopoulos and K. Boskovits, agents, assisted by G. Michailopoulos, lawyer)

Defendant: European Commission (represented by: A. Steiblytė and D. Triantafyllou, agents)

Re:

Action for annulment of Commission Decision C(2008) 8573 of 15 December 2008 reducing the financial assistance of the European Regional Development Fund (ERDF) granted to Greece, amounting to EUR 30 104 470,47 in respect of the operational programme 'Accessibility and Trunk Roads' by Commission Decision C(94) 3579 of 16 December 1994, authorising financial assistance from the ERDF.

Operative part of the judgment

The Court:

1. Annuls Commission Decision C(2008) 8573 of 15 December 2008 reducing the financial assistance of the European Regional Development Fund (ERDF) granted to Greece in so far as it provides, first, a correction amounting to EUR 506 303 in respect of the project 'Isthmos — Galota' and, second, a correction amounting to EUR 684 343 in respect of the project 'Polymylos crossroads' (contract 928);
2. Dismisses the action as to the remainder;
3. Orders the Hellenic Republic to bear its own costs and 80 % of the costs incurred by the European Commission;
4. Orders the European Commission to bear 20 % of its own costs.

(¹) OJ C 129, 6.6.2009.