

**Judgment of the General Court of 15 March 2012 —  
Mustang v OHIM — Decathlon (Wavy line)**

(Case T-379/08) <sup>(1)</sup>

*(Community trade mark — Opposition proceedings — Application for a figurative Community mark representing a wavy line — Earlier national and international figurative trade marks representing a white wavy line on a black background — 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))*

(2012/C 126/23)

Language of the case: German

**Parties**

*Applicant:* Mustang — Bekleidungswerke GmbH & Co. KG (Künzelsau, Germany) (represented by: A. Klett and K. Weimer, lawyers)

*Defendant:* Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by: R. Pethke, agent)

*Other party to the proceedings before the Board of Appeal of OHIM, intervener before the General Court:* Decathlon SA (Villeneuve d'Ascq, France) (represented by: P. Demoly, lawyer)

**Re:**

Action brought against the decision of the Fourth Board of Appeal of OHIM of 8 July 2008 (Case R 859/2007-4) concerning opposition proceedings between Decathlon SA and Mustang — Bekleidungswerke GmbH & Co. KG.

**Operative part of the judgment**

The Court:

1. Dismisses the action;
2. Orders Mustang — Bekleidungswerke GmbH & Co. KG to pay the costs.

<sup>(1)</sup> OJ C 313, 6.12.2008.

**Judgment of the General Court (Seventh Chamber) of 15  
March 2012 — Ellinika Nafpigeia v Commission**

(Case T-391/08) <sup>(1)</sup>

*(State aid — Shipbuilding — Aid granted by the Greek authorities to a shipyard — Decision declaring the aid incompatible with the common market and ordering its recovery — Misuse of aid)*

(2012/C 126/24)

Language of the case: Greek

**Parties**

*Applicant:* Ellinika Nafpigeia AE (Skaramagka, Greece) (represented by: I. Drosos, K. Loukopoulos, A. Chiotellis, C. Panagoulea, P. Tzioumas, A. Balla, V. Voutsakis and X. Gkousta, lawyers)

*Defendant:* European Commission (represented by: C. Urraca Caviedes and M. Konstantinidis, agents)

**Re:**

Annulment of Article 1(2), Article 2, 3, 5 and 6, Article 8(2) and Articles 9, 11 to 16, 18 and 19 of Commission Decision 2009/610/EC of 2 July 2008 concerning State aid C 16/2004 (formerly NN 29/2004, CP 71/2002 and CP 133/2005) granted by Greece to Hellenic Shipyards SA (OJ 2009 L 225, p. 104).

**Operative part of the judgment**

The Court:

1. Dismisses the action;
2. Orders Ellinika Nafpigeia AE to bear its own costs and to pay the costs of the Commission.

<sup>(1)</sup> OJ C 327, 20.12.2008.