

Re:

Action brought against the decision of the Second Board of Appeal of OHIM of 25 November 2008 (Case R 1790/2007-2) relating to opposition proceedings between Société des Produits Nestlé, S.A. and Hipp & Co KG

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Hipp & Co. KG to pay the costs.

(¹) OJ C 82, 4.4.2009.

**Judgment of the General Court of 28 March 2012 —
Ryanair v European Commission**

(Case T-123/09) (¹)

(State aid — Loan granted to an airline company and capable of being counted as own capital — Decision declaring the aid incompatible with the common market — Sale of assets of an airline company — Decision finding no aid at the conclusion of the preliminary examination phase — Actions for annulment — Locus standi — Interested party — Admissibility — Serious difficulties — Jurisdiction — Duty to state reasons)

(2012/C 138/26)

Language of the case: English

Parties

Applicant: Ryanair Ltd (Dublin, Ireland) (represented by: E. Vahida and I.-G. Metaxas-Maragkidis, lawyers)

Defendant: European Commission (represented by: L. Flynn, D. Grespan and E. Righini, Agents)

Interveners in support of the defendant: Italian Republic, (represented by: G. Palmieri and P. Gentili, lawyers); and Alitalia — Compagnia Aerea Italiana SpA (Fiumicino, Italy) (represented by: G.M. Roberti, G. Bellitti and I. Perego, lawyers)

Re:

Partial annulment of Commission Decision 2009/155/EC of 12 November 2008, concerning the loan of EUR 300 million granted by Italy to the airline company Alitalia (C 26/08 (ex NN 31/08)) (OJ 2009 L 52, p. 3), and the annulment of Commission Decision C(2008) 6745 final of 12 November 2008, concerning State Aid (N 510/2008, OJ 2009 C 46, p. 6) — Italy — Sale of the assets of Alitalia.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Ryanair Ltd to pay its own costs and those incurred by the European Commission and Alitalia — Compagnia Aerea Italiana SpA;
3. Orders the Italian Republic to bear its own costs.

(¹) OJ C 141, 20.6.2009.

**Judgment of the General Court of 29 March 2012 —
Poslovni Sistem Mercator v OHIM — Mercator Multihull
(MERCATOR STUDIOS)**

(Case T-417/09) (¹)

(Community trade mark — Opposition proceedings — Application for Community word mark MERCATOR STUDIOS — Earlier national and international figurative marks Mercator and Mercator Slovenska košarica — Relative ground for refusal — No likelihood of confusion — Article 8(1)(b) of Regulation (EC) No 207/2009 — No injury to reputation — Article 8(5) of Regulation No 207/2009)

(2012/C 138/27)

Language of the case: English

Parties

Applicant: Poslovni Sistem Mercator d.d. (Ljubljana, Slovenia) (represented by: J. Güell Serra and M. Curell Aguilà, lawyers)

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

Other party to the proceedings before the Board of Appeal of OHIM: Mercator Multihull, Inc. (Vancouver, Canada)

Re:

Action brought against the decision of the First Board of Appeal of OHIM of 16 July 2009 (Case R 1031/2008-1), concerning opposition proceedings between Poslovni Sistem Mercator d.d. and Mercator Multihull, Inc.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Poslovni Sistem Mercator d.d. to pay the costs.

(¹) OJ C 297, 5.12.2009.