

Defendant: European Commission (represented by: F. Castillo de la Torre and R. Sauer, acting as Agents)

Re:

Application for annulment of Commission Decision C(2007) 5791 final of 28 November 2007 relating to a proceeding under Article 81 [EC] and Article 53 of the EEA Agreement (Case COMP/39165 — Flat glass), in so far as it concerns the applicants, and for a reduction in the amount of the fine imposed on them by that decision.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Guardian Industries Corp. and Guardian Europe Sàrl to pay the costs.

⁽¹⁾ OJ C 107, 26.4.2008.

Judgment of the General Court of 27 September 2012 — Tuzzi fashion v OHIM — El Corte Inglés (Emidio Tucci)

(Case T-535/08) ⁽¹⁾

(Community trade mark — Opposition proceedings — Application for Community figurative mark Emidio Tucci — Earlier national word mark and international registration TUZZI — Earlier company name Tuzzi fashion GmbH — Relative grounds for refusal — No likelihood of confusion — Article 8(1)(b) of Regulation (EC) No 40/94 (now Article 8(1)(b) of Regulation (EC) No 207/2009) — Obligation to state reasons — Article 73 and Article 62(2) of Regulation No 40/94 (now Article 75 and Article 64(2) of Regulation No 207/2009) — Examination of the facts by the adjudicatory body of its own motion — Article 74 of Regulation No 40/94 (now Article 76 of Regulation No 207/2009) — Article 79 of Regulation No 40/94 (now Article 83 of Regulation No 207/2009)

(2012/C 355/40)

Language of the case: Spanish

Parties

Applicant: Tuzzi fashion GmbH (Fulda, Germany) (represented by: R. Kunze and G. Würtenberger, lawyers)

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

Other party to the proceedings before the Board of Appeal of OHIM, intervener before the General Court: El Corte Inglés, SA (Madrid, Spain) (represented initially by J.L. Rivas Zurdo, E. López Camba and E. Seijo Veiguela and, subsequently, by J.L. Rivas Zurdo and E. Seijo Veiguela, lawyers)

Re:

Action brought against the decision of the Second Board of Appeal of OHIM of 23 September 2008 (Case R 1561/2007-2), relating to opposition proceedings between Tuzzi fashion GmbH and El Corte Inglés, SA.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Tuzzi fashion GmbH to pay the costs.

⁽¹⁾ OJ C 55, 7.3.2009.

Judgment of the General Court of (Sixth Chamber) of 27 September 2012 — France v Commission

(Case T-139/09) ⁽¹⁾

(State aid — Fruit and vegetable sector — ‘Contingency plans’ seeking to support the fruit and vegetable market in France — Decision declaring the aid incompatible with the common market — Concept of State aid — State resources — Co-financing by a public institution and by voluntary contributions from farmers’ organisations — Arguments not raised during the administrative procedure — Duty to state the reasons on which the decision is based)

(2012/C 355/41)

Language of the case: French

Parties

Applicant: French Republic (represented: initially by E. Belliard, G. de Bergues and A.-L. During, and subsequently by E. Belliard, G. de Bergues and J. Gstalter, acting as Agents)

Defendant: European Commission (represented by: B. Stromsky, acting as Agent)

Re:

Annulment of Commission Decision C(2009) 203 final of 28 January 2009, concerning the ‘contingency plans’ in the fruit and vegetable sectors implemented by France.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders the French Republic to pay the costs.

⁽¹⁾ OJ C 141, 20.6.2009.