

**Operative part of the judgment**

The Court:

1. Annuls the decision of the First Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM) of 28 February 2011 (Case R 861/2009-1) in so far as concerns dietetic substances adapted for medical use, in Class 5;
2. Dismisses the action as to the remainder;
3. Orders Laboratoire Bioderma to bear its own costs and half of those incurred by OHIM and Cabinet Continental;
4. Orders OHIM and Cabinet Continental to bear half of their own costs.

<sup>(1)</sup> OJ C 298, 8.10.2011.

**Judgment of the General Court of 20 February 2013 —  
Caventa v OHIM — Anson's Herrenhaus (B BERG)**

(Case T-631/11) <sup>(1)</sup>

**(Community trade mark — Opposition proceedings — Application for the Community figurative mark B BERG — Earlier Community word mark Christian Berg — Relative ground for refusal — Likelihood of confusion — Article 8(1)(b) of Regulation (EC) No 207/2009)**

(2013/C 108/63)

Language of the case: German

**Parties**

**Applicant:** Caventa AG (Rekingen, Switzerland) (represented initially by: J. Krenzler, then by T. Stein and A. Segler, lawyers)

**Defendant:** Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by: K. Klüpfel and D. Walicka, acting as Agents)

**Other party to the proceedings before the Board of Appeal of OHIM, intervener before the General Court:** Anson's Herrenhaus KG (Düsseldorf, Germany) (represented by: O. Löffel and P. Lange, lawyers)

**Re:**

Action brought against the decision of the First Board of Appeal of OHIM of 15 September 2011 (Case R 2014/2010-1), relating to opposition proceedings between Anson's Herrenhaus KG and Caventa AG.

**Operative part of the judgment**

The Court:

1. Dismisses the action;
2. Orders Caventa AG to pay the costs.

<sup>(1)</sup> OJ C 32, 4.2.2012.

**Order of the General Court of 20 February 2013 —  
Albergo Quattro Fontane and Others v Commission**

**(Joined Cases T-278/00 to T-280/00, T-282/00 to T-286/00  
and T-288/00 to T-295/00) <sup>(1)</sup>**

**(Action for annulment — State aid — Relief from social security contributions for firms in Venice and Chioggia — Decision declaring the aid scheme incompatible with the common market and requiring recovery of the aid paid out — Action manifestly lacking any foundation in law)**

(2013/C 108/64)

Language of the case: Italian

**Parties**

**Applicants:** Albergo Quattro Fontane Snc (Venezia Lido, Italy) (Case T-278/00); Comitato 'Venezia vuole vivere' (Marghera, Italy) (Cases T-278/00 to T-280/00, T-282/00 to T-286/00 and T-289/00 to T-295/00); Hotel Gabrielli Sandwirth SpA (Venice, Italy) (Case T-279/00); Astrocoop — Universale — Pulizie, manutenzioni e trasporti Soc. coop. rl (Marghera) (Case T-280/00); GE.AL.VE. Srl (Venice) (Case T-282/00); Metropolitan Srl (Venice) (Case T-283/00); Hotel Concordia Snc (Venice) (Case T-284/00); Manutencoop Soc. coop. rl (Bologna, Italy) (Case T-285/00); Società per l'industria alberghiera (SPLIA) (Venice) (Case T-286/00); Principessa Srl (Venice) (Case T-288/00); Albergo ristorante 'All'Angelo' Snc (Venice) (Case T-289/00); Albergo Saturnia Internazionale SpA (Venice) (Case T-290/00); Savoia e Jolanda Srl (Venice) (Case T-291/00); Hotels Biasutti Snc (Venezia Lido) (Case T-292/00); Ge.A.P. Srl (Venice) (Case T-293/00); Rialto Inn Srl (Venice) (Case T-294/00); and Bonvecchiati Srl (Venice) (represented by: A. Bianchini) (Case T-295/00)

**Defendant:** European Commission (represented by: V. Di Bucci, Agent, and A. Dal Ferro, lawyer)

**Re:**

Application for the annulment of Commission Decision 2000/394/EC of 25 November 1999 on aid to firms in Venice and Chioggia by way of relief from social security contributions under Laws Nos 30/1997 and 206/1995 (OJ 2000 L 150, p. 50).

**Operative part of the order**

1. Cases T-278/00 to T-280/00, T-282/00 to T-286/00 and T-288/00 to T-295/00 are joined for the purposes of this order.
2. The objections of inadmissibility raised by the European Commission are joined to the substance.
3. The actions are dismissed as manifestly lacking any foundation in law.
4. Albergo Quattro Fontane Snc, Comitato 'Venezia vuole vivere', Hotel Gabrielli Sandwirth SpA, Astrocoop — Universale — Pulizie, manutenzioni e trasporti Soc. coop. rl, GE.AL.VE. Srl, Metropolitan Srl, Hotel Concordia Snc, Manutencoop Soc. coop. rl, Società per l'industria alberghiera (SPLIA), Principessa Srl, Albergo ristorante 'All'Angelo' Snc, Albergo Saturnia Internazionale SpA, Savoia e Jolanda Srl, Hotels Biasutti Snc, Ge.A.P. Srl, Rialto Inn Srl and Bonvecchiati Srl shall bear their own costs and pay those incurred by the Commission.

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<sup>(1)</sup> OJ C 372, 23.12.2000.

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**Order of the General Court of 20 February 2013 —  
Département du Loiret v Commission**

(Case T-369/00) <sup>(1)</sup>

*(State aid — Land sale price — Decision ordering the recovery of aid incompatible with the common market — Agreement by which all the assets of the recipient of the aid were transferred to the authorities which granted the aid — No need to adjudicate)*

(2013/C 108/65)

Language of the case: French

**Parties**

**Applicant:** Département du Loiret (France) (represented by: A. Carnelutti, lawyer)

**Defendant:** European Commission (represented by: B. Stromsky and J. Flett, acting as Agents)

**Re:**

Action for the partial annulment of Commission Decision 2002/14/EC of 12 July 2000 on the state aid granted by France to Scott Paper SA Kimberly-Clark (OJ 2002 L 12, p. 1)

**Operative part of the order**

1. There is no longer any need to adjudicate on this action.
2. The Département du Loiret shall pay the costs before the Court of Justice and the General Court.

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<sup>(1)</sup> OJ C 61, 24.2.2001.

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**Order of the General Court of 21 February 2013 —  
Maruccio v Commission**

(Case T-85/11 P) <sup>(1)</sup>

*(Appeal — Civil service — Officials — Social security — Serious illness — Reimbursement of medical expenses — Commission decision refusing to reimburse medical expenses incurred by the appellant at the rate of 100 % — Obligation to state reasons — Article 72 of the Staff Regulations — Criteria adopted by the medical council — Opinion of the medical officer produced during the proceedings — Competence of the head of the settlements office — Appeal manifestly unfounded)*

(2013/C 108/66)

Language of the case: Italian

**Parties**

**Applicant:** Luigi Marcuccio (Tricase, Italy) (represented by: G. Cipressa, lawyer)

**Defendant:** European Commission (represented by: J. Currall and C. Berardis-Kayser, Agents, and A. Dal Ferro, lawyer)

**Re:**

Appeal against the judgment of the Civil Service Tribunal of the European Union (First Chamber) of 23 November 2010 in Case F-65/09 *Marcuccio v Commission*, not published in the ECR, seeking to have that judgment set aside.

**Operative part of the order**

1. The appeal is dismissed.
2. Mr Luigi Marcuccio is to bear his own costs and to pay the costs incurred by the European Commission in the appeal proceedings.

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<sup>(1)</sup> OJ C 103, 2.4.2011.