

## COURT OF FIRST INSTANCE

### Judgment of the Court of First Instance of 1 July 2009 — Spain v Commission

(Case T-259/05) <sup>(1)</sup>

*(EAGGF — Guarantee Section — Expenditure excluded from Community financing — Fibre flax — Hemp — Bananas — OLAF report — Report of the Court of Auditors — Bilateral meeting under Article 8(1) of Regulation (EC) No 1663/95 — Breach of essential procedural requirements — Abusive practice — Existence of financial harm to the EAGGF)*

(2009/C 193/21)

Language of the case: Spanish

#### Parties

*Applicant:* Kingdom of Spain (represented by: M. Muñoz Pérez, abogado del Estado)

*Defendant:* Commission of the European Communities (represented by: T. van Rijn, L. Parpala and F. Jimeno Fernández, acting as Agents)

#### Re:

Annulment in part of Commission Decision 2005/354/EC of 29 April 2005 excluding from Community financing certain expenditure incurred by the Member States under the Guarantee Section of the European Agricultural Guidance and Guarantee Fund (EAGGF), Guarantee Section (OJ 2005 L 112, p. 14).

#### Operative part of the judgment

*The Court:*

1. Annuls Commission Decision 2005/354/EC of 29 April 2005 excluding from Community financing certain expenditure incurred by the Member States under the Guarantee Section of the European Agricultural Guidance and Guarantee Fund (EAGGF), Guarantee Section, in so far as it excludes from Community financing the expenditure by the Kingdom of Spain made under aid granted for the production of hemp in the years 1996/1997 to 1999/2000;
2. Dismisses the remainder of the action;
3. Orders each party to bear its own costs.

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<sup>(1)</sup> OJ C 217, 3.9.2005.

### Judgment of the Court of First Instance of 30 June 2009 — Danjaq v OHIM — Mission Productions (Dr. No)

(Case T-435/05) <sup>(1)</sup>

*(Community trade mark — Application for Community word mark Dr. No — Opposition by the proprietor of the non-registered word marks and signs Dr. No and Dr. NO — Failure to satisfy the requirement for earlier marks — Lack of a distinctive sign used in the course of trade — Article 8(1)(a) and (b), (2)(c) and (4) of Regulation (EC) No 40/94 (now Article 8(1)(a) and (b), (2)(c) and (4) of Regulation (EC) No 207/2009) — Obligation to state reasons — Article 73 of Regulation No 40/94 (now Article 75 of Regulation (EC) No 207/2009))*

(2009/C 193/22)

Language of the case: English

#### Parties

*Applicant:* Danjaq LLC (Santa Monica, California, United States) (represented by: G. Hobbs QC, G. Hollingworth, Barrister, S. Skrein and L. Berg, Solicitors)

*Defendant:* Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by: A. Folliard Monguiral, Agent)

*Other party to the proceedings before the Board of Appeal of OHIM, intervening before the Court of First Instance:* Mission Productions Gesellschaft für Film-, Fernseh- und Veranstaltungsproduktion mbH (Munich, Germany) (represented by: K. Lewinsky, lawyer)

#### Re:

Action brought against the decision of the First Board of Appeal of OHIM of 21 September 2005 (Case R 1118/2004-1) relating to opposition proceedings between Danjaq LLC and Mission Productions Gesellschaft für Film-, Fernseh- und Veranstaltungsproduktion mbH

#### Operative part of the judgment

*The Court:*

1. Dismisses the action.
2. Orders Danjaq LLC to pay the costs.

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<sup>(1)</sup> OJ C 60, 11.3.2006.