

Re:

APPLICATION for suspension of operation of Commission Decision C(2005) 5361, of 7 December 2005, concerning the recovery of financial assistance paid in the context of a subsidy granted to the Dimos Peramatos (Commune of Perama) by Decision C 97/1997/final of 17 July 1997.

Operative part

The Court:

1. Dismisses the application for interim measures;
2. Reserves the costs.

**Order of the Court of First Instance (Third Chamber) of 21 November 2007 —
Gargani v Parliament
(Case T-94/06)**

Action under Article 230 EC — Defendant — Natural or legal person — Manifest inadmissibility

Actions for annulment — Action of a natural or legal person against another natural or legal person (Art. 230, fourth para., EC) (see paras 26, 27, 30, 32, 35)

Re:

APPLICATION for a declaration that the action of Mr Josep Borrell Fontelles, then President of the European Parliament, in the reference for a preliminary ruling in Case C-305/05 was unlawful.

Operative part

The Court:

1. Dismisses the action as clearly inadmissible;
2. Orders Mr Giuseppe Gargani to pay the costs.

Judgment of the Court of First Instance (Third Chamber) of 21 November 2007 — Wesergold Getränkeindustrie v OHIM — Lidl Stiftung (VITAL FIT)

(Case T-111/06)

Community trade mark — Opposition proceedings — Application for the Community figurative mark VITAL FIT — Earlier national word mark VITAFIT — Relative ground for refusal — Likelihood of confusion — Article 8(1)(b) of Regulation (EC) No 40/94 — Right to a fair hearing — Obligation to state reasons

Community trade mark — Definition and acquisition of the Community trade mark — Relative grounds for refusal — Opposition by the proprietor of an earlier identical or similar mark registered for identical or similar goods or services — Likelihood of confusion with the earlier mark (Council Regulation No 40/94, Art. 8(1)(b)) (see paras 39, 42, 45-47)

Re:

ACTION brought against the decision of the Second Board of Appeal of OHIM of 16 February 2006 in Case R 3/2005-2 relating to opposition proceedings between Lidl Stiftung & Co. KG and Wesergold Getränkeindustrie GmbH & Co. KG.