

Judgment of the Court (First Chamber) of 9 September 2010 — Office for Harmonisation in the Internal Market (Trade Marks and Designs) v BORCO-Marken-Import Matthiesen GmbH & Co. KG

(Case C-265/09 P) ⁽¹⁾

(Appeal — Community trade mark — Application for registration of the figurative sign ‘a’ — Absolute grounds for refusal — Distinctive character — Mark consisting of a single letter)

(2010/C 288/19)

Language of the case: German

Parties

Appellant: Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by: G. Schneider, Agent)

Other party to the proceedings: BORCO-Marken-Import Matthiesen GmbH & Co. KG (represented by: M. Wolter, Rechtsanwalt)

Re:

Appeal brought against the judgment of the Court of First Instance (Sixth Chamber) of 29 April 2009 in Case T-23/07 *Borco-Marken-Import Matthiesen v OHIM (a)*, by which the Court annulled the decision of the Fourth Board of Appeal of OHIM of 30 November 2006, dismissing the action brought against the decision of the examiner refusing the registration of the figurative sign ‘a’ as a Community trade mark for goods in Class 33 — Distinctive character of a mark consisting of a single letter

Operative part of the judgment

The Court:

1. *Dismisses the appeal;*
2. *Orders the Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM) to pay the costs.*

⁽¹⁾ OJ C 233, 26.9.2009.

Order of the Court of 9 June 2010 — European Commission v Schneider Electric SA, Federal Republic of Germany, French Republic

(Case C-440/07 P) ⁽¹⁾

(Appeal — Partial annulment of the judgment under appeal — Where the state of the proceedings so permits — Non contractual liability of the Community — Evaluation of the loss)

(2010/C 288/20)

Language of the case: French

Parties

Appellant: European Commission (represented by: M. Petite, F. Arbault, T. Christoforou, R. Lyal and C-F Durand, Agents)

Other parties to the proceedings: Schneider Electric SA (represented by: M. Pittie and A. Winckler, lawyers), Federal Republic of Germany, French Republic

Re:

Appeal against the judgment of the Court of First Instance (Fourth Chamber, Extended Composition) in case T-351/03 *Schneider Electric v Commission*, by which the Court ordered the European Commission to make good, first, the expenses incurred by Schneider Electric SA in respect of its participation in the resumed merger control procedure which followed delivery of the judgments of the Court of First Instance on 22 October 2002 in Cases T-310/01 and T-77/02 *Schneider Electric v Commission* and, second, two thirds of the loss sustained by Schneider Electric as a result of the reduction in the transfer price of Legrand SA which Schneider Electric had to concede to the transferee in exchange for the postponement of the effective date of sale of Legrand until 10 December 2002 — Conditions governing the establishment of non contractual liability on the part of the Community — Concepts of wrongful act, damage and direct causal link between the wrongful act and the damage suffered — ‘Sufficiently serious’ breach of Community law vitiating the procedure for examination of the compatibility of a concentration with the common market

Operative part of the order

1. *The amount of the loss to be made good in point 3 of the operative part of the judgment of the Court of Justice of the European Communities of 16 July 2009 in Case C-440/07 P Commission v Schneider Electric [2009] ECR I-6413 is fixed at EUR 50 000.*

2. *Schneider Electric SA's claim relating to the costs is dismissed.*

(¹) OJ C 22 of 26.01.2008.

Order of the Court of 9 July 2010 (reference for a preliminary ruling from the Corte d'appello di Roma (Italy)) — Luigi Ricci (C-286/09), Aduo Pisaneschi (C-287/09) v Istituto nazionale della previdenza sociale (INPS)

(Joined Cases C-286/09 and C-287/09) (¹)

(First subparagraph of Article 104(3) of the Rules of Procedure — Officials — Retirement pension — Cumulation of periods of insurance — Article 11 of Annex VIII to the Staff Regulations — Taking account of periods of activity within the European Communities — Article 10 EC)

(2010/C 288/21)

Language of the case: Italian

Referring court

Corte d'appello di Roma (Italy)

Parties to the main proceedings

Applicants: Luigi Ricci (C-286/09), Aduo Pisaneschi (C-287/09)

Defendant: Istituto nazionale della previdenza sociale (INPS)

Re:

Reference for a preliminary ruling — Corte d'appello di Roma — Interpretation of Regulation (EEC) No 1408/71 of the Council of 14 June 1971 on the application of social security schemes to employed persons and their families moving within the Community — Interpretation of Articles 17, 39 and 42 EC — Old-age pension — Aggregation of insurance periods — Failure to take into account the period of affiliation to the Joint Sickness Insurance Scheme of the European Communities

Operative part of the order

Article 10 EC, together with the Staff Regulations of Officials of the European Communities, must be interpreted as precluding national legislation which does not permit account to be taken of years worked by a European Union citizen in a European Union institution,

such as the Commission of the European Communities, or in a European Union body, such as the Economic and Social Committee, with regard to the establishment of a right to a retirement pension under the national scheme, regardless of whether the person involved takes early retirement or retires at the usual age.

(¹) OJ C 233, 26.9.2009.

Order of the Court of 16 June 2010 (reference for a preliminary ruling from the Fővárosi Bíróság Gazdasági Kollégiuma (Republic of Hungary)) — RANI Slovakia s.r.o. v Hankook Tire Magyarország Kft

(Case C-298/09) (¹)

(First subparagraph of Article 104(3) of the Rules of Procedure — Accession to the European Union — Freedom to provide services — Directive 96/71/EC — Posting of workers in the framework of the provision of services — Temporary employment undertaking — Requirement to have a head office in the territory of the Member State in which the services are supplied)

(2010/C 288/22)

Language of the case: Hungarian

Referring court

Fővárosi Bíróság Gazdasági Kollégiuma (Republic of Hungary)

Parties to the main proceedings

Applicant: RANI Slovakia s.r.o.

Defendant: Hankook Tire Magyarország Kft

Re:

Reference for a preliminary ruling Fővárosi Bíróság — Interpretation of Article 3(c) EC, of Articles 49, 52 and 54 EC, and of Directive 96/71/EC of the European Parliament and of the Council of 16 December 1996 concerning the posting of workers in the framework of the provision of services (OJ 1997 L 18, p. 1) — National legislation restricting the undertaking of the activity of temporary employment undertakings to those undertakings established in national territory