

Judgment of the Court of First Instance of 26 November 2008 — Greece v Commission

(Case T-263/06) ⁽¹⁾

(EAGGF — Guarantee Section — Expenditure excluded from Community financing — Measures ancillary to rural development — Time-limit of 24 months — Assessment of the expenditure to be excluded — Key controls — Principle of ne bis in idem — Extrapolation of the findings of default — Principle of proportionality)

(2009/C 19/47)

Language of the case: Greek

Parties

Applicant: Hellenic Republic (represented by: I. Chalkias and G. Kanellopoulos, Agents)

Defendant: Commission of the European Communities (represented by: F. Jimeno Fernández and H. Tserepa-Lacombe, acting as Agents, and N. Korogiannakis, lawyer)

Re:

Annulment of Commission Decision 2006/554/EC of 27 July 2006 excluding from Community financing certain expenditure incurred by the Member States under the Guarantee Section of the European Agricultural Guidance and Guarantee Fund (EAGGF) (OJ 2006 L 218, p. 12), in so far as it excludes certain expenditure incurred by the Hellenic Republic in the sector of measures ancillary to rural development

Operative part of the judgment

The Court:

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

⁽¹⁾ OJ C 281, 18.11.2006.

Judgment of the Court of First Instance of 26 November 2008 — United Kingdom v Commission

(Case T-278/06) ⁽¹⁾

(EAGGF — Guarantee Section — Expenditure excluded from Community financing — Butter — Check of the quantity of product obtained — On-the-spot checks — Article 23(2) of Regulation (EC) No 2571/97)

(2009/C 19/48)

Language of the case: English

Parties

Applicant: United Kingdom of Great Britain and Northern Ireland (represented initially by: E. O'Neill and subsequently by I. Rao, Agents, and by H. Mercer, Barrister)

Defendant: Commission of the European Communities (represented by: P. Oliver, acting as Agent)

Re:

Action for annulment in part of Commission Decision 2006/554/EC of 27 July 2006 excluding from Community financing certain expenditure incurred by the Member States under the Guarantee Section of the European Agricultural Guidance and Guarantee Fund (EAGGF) (OJ 2006 L 218, p. 12), in so far as it excludes certain expenses incurred by the United Kingdom of Great Britain and Northern Ireland in the sector of concentrated butter in the food industry.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders the United Kingdom of Great Britain and Northern Ireland to pay the costs.

⁽¹⁾ OJ C 294, 2.12.2006.

Judgment of the Court of First Instance of 2 December 2008 — Ford Motor v OHIM (FUN)

(Case T-67/07) ⁽¹⁾

(Community trade mark — Application for Community word mark FUN — Absolute grounds for refusal — Lack of descriptive character — Article 7(1)(b) and (c) of Regulation (EC) No 40/94)

(2009/C 19/49)

Language of the case: German

Parties

Applicant: Ford Motor Co. (Dearborn, Michigan, United States) (represented by: R. Ingerl, lawyer)

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

Re:

ACTION brought against the decision of the Second Board of Appeal of OHIM of 20 December 2006 (Case R 1135/2006-2), concerning an application for registration of the Community word mark FUN.

Operative part of the judgment

The Court:

1. Annuls the decision of the Second Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM) of 20 December 2006 (Case R 1135/2006 2);
2. Orders OHIM to pay the costs.

(¹) OJ C 95, 28.4.2007.

Judgment of the Court of First Instance of 26 November 2008 — Avon Products OHIM (ANEW ALTERNATIVE)

(Case T-184/07) (¹)

(Community trade mark — Application for the Community word mark ANEW ALTERNATIVE — Absolute ground for refusal — Lack of distinctive character — Article 7(1)(b) of Regulation (EC) No 40/94)

(2009/C 19/50)

Language of the case: English

Parties

Applicant: Avon Products, Inc. (New York, New York, United States) (represented by: C. Heitmann-Lichtenstein and U. Stelzenmüller, lawyers)

Defendant: Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by: initially by S. Laitinen and P. Bullock, and subsequently by G. Schneider, Agents)

Re:

ACTION brought against the decision of the Second Board of Appeal of OHIM of 22 March 2007 (Case R 1471/2006 2), concerning an application for registration as a Community trade mark of the word mark ANEW ALTERNATIVE.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Avon Products, Inc. to pay the costs.

(¹) OJ C 170, 21.7.2007.

Order of the Court of First Instance of 2 December 2008 — Harman International Industries v OHIM — Becker (Barbara Becker)

(Case T-212/07) (¹)

(Community trade mark — Opposition proceedings — Application for the Community word mark Barbara Becker — Earlier Community word mark BECKER — Relative ground for refusal — Likelihood of confusion — Similarity of the signs — Article 8(1)(b) of Regulation (EC) No 40/94)

(2009/C 19/51)

Language of the case: English

Parties

Applicant: Harman International Industries, Inc. (Northridge, California, United States) (represented by: M. Vanhegan, Barrister)

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

Other party to the proceedings before the Board of Appeal of OHIM intervening before the Court of First Instance: Barbara Becker (Miami, Florida, United States) (represented by: P. Baronikians, lawyer)

Re:

Action brought against the decision of the First Board of Appeal of OHIM of 7 March 2007 (Case R 502/2006-1) relating to opposition proceedings between Harman International Industries, Inc. and Barbara Becker.

Operative part of the order

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 7 March 2007 (Case R 502/2006-1);
2. Dismisses as inadmissible the application of Harman International Industries, Inc., requesting that the application for registration of Barbara Becker as a Community trade mark be rejected;
3. Orders OHIM to bear its own costs and pay the costs of Harman International Industries;
4. Orders Barbara Becker to bear her own costs.

(¹) OJ C 183, 4.8.2007.