

Judgment of the Court of First Instance of 4 September 2008 — Gualtieri v Commission

(Case T-413/06 P) ⁽¹⁾

(Appeal — Seconded National Expert — Order for referral — Decision against which an appeal may be lodged — Inadmissibility)

(2008/C 272/46)

Language of the case: Italian

Parties

Applicant: Claudia Gualtieri (Brussels, Belgium) (represented by: P. Gualtieri and M. Gualtieri, lawyers)

Defendant: Commission of the European Communities (represented by: J. Currall, acting as Agent, and G. Faedo, lawyer)

Re:

Appeal brought against the order of the Civil Service Tribunal (First Chamber) of 9 October 2006 in Case F-53/06 *Gualtieri v Commission*, not yet published in the ECR, and seeking the annulment of that order

Operative part of the judgment

The Court:

1. Dismisses the appeal;
2. Orders Ms Claudia Gualtieri to bear her own costs and to pay the costs incurred by the Commission in the appeal proceedings.

⁽¹⁾ OJ C 42, 24.2.2007.

Judgment of the Court of First Instance of 10 September 2008 — Alcon v OHIM — *Acri.Tec (BioVisc)

(Case T-106/07) ⁽¹⁾

(Community trade mark — Opposition proceedings — Application for Community word mark BioVisc — Earlier international word marks PROVISC and DUOVISC — Relative ground for refusal — No likelihood of confusion — Article 8(1)(b) of Regulation (EC) No 40/94)

(2008/C 272/47)

Language of the case: English

Parties

Applicant: Alcon Inc. (Hünenberg, Switzerland) (represented by: M. Graf and R. Schulz, lawyers)

Defendant: Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented: initially by S. Laitinen, and subsequently by A. Folliard-Monguiral, acting as Agents)

Other party to the proceedings before the Board of Appeal of OHIM intervening before the Court of First Instance: *Acri.Tec AG Gesellschaft für ophthalmologische Produkte (Hennigsdorf, Germany) (represented by: M. von Welser, lawyer)

Re:

Action brought against the decision of the Second Board of Appeal of OHIM of 8 February 2007 (Case R 660/2006-2) concerning opposition proceedings between Alcon Inc. and *Acri.Tec AG Gesellschaft für ophthalmologische Produkte.

Operative part of the judgment

The Court:

1. Dismisses the action.
2. Orders Alcon Inc. to pay the costs.

⁽¹⁾ OJ C 129, 9.6.2007.

Judgment of the Court of First Instance of 8 September 2008 — Kerstens v Commission

(Case T-222/07 P) ⁽¹⁾

(Appeal — Civil Service — Officials — Career development report — Time limit for lodging a complaint — Lateness — Appeal not founded)

(2008/C 272/48)

Language of the case: French

Parties

Appellant: Petrus Kerstens (Overijse, Belgium) (represented by: C. Mourato, lawyer)

Other party to the proceedings: Commission of the European Communities (represented by: D. Martin and K. Herrmann, acting as Agents)

Re:

Appeal brought against the order of the European Union Civil Service Tribunal (Second Chamber) on 25 April 2007 in Case F-59/06 *Kerstens v Commission*, not yet published in the ECR, and seeking annulment of that order

Operative part of the judgment

The Court:

1. Dismisses the appeal;
2. Orders Mr Petrus Kerstens to pay the costs.

(¹) OJ C 199, 25.8.2007.

**Order of the Court of First Instance of 27 August 2008 —
Adomex International v Commission**

(Case T-315/05) (¹)

(Action for annulment — Aid granted by the Netherlands authorities in the floriculture sector — Decision not to raise objections — Not individually concerned — Manifest inadmissibility)

(2008/C 272/49)

Language of the case: Dutch

Parties

Applicant: Adomex International BV (Aalsmeer, Netherlands) (represented by: G. van der Wal and T. Boesman, lawyers)

Defendant: Commission of the European Communities (represented by: H. van Vliet and A. Stobiecka-Kuik, acting as Agents)

Re:

Action for annulment of Commission Decision C(2005) 592 final of 16 March 2005 not to raise objections with regard to aid N 372/2003 concerning the floriculture sector, notified by the Netherlands authorities

Operative part of the order

1. The action is dismissed as manifestly inadmissible.
2. Adomex International BV is ordered to pay the costs.

(¹) OJ C 281, 12.11.2005.

**Order of the Court of First Instance of 3 September 2008
— Cofra v Commission**

(Case T-477/07) (¹)

(Action for annulment — Access to documents — Withdrawal of the decision refusing access — Disclosure of documents contrary to the express opinion of their author — No need to adjudicate)

(2008/C 272/50)

Language of the case: Italian

Parties

Applicant: Cofra srl (Bari, Italy) (represented by: A. Calabrese, lawyer)

Defendant: Commission of the European Communities (represented by: P. Costa de Oliveira and G. Conte, acting as Agents)

Re:

Annulment of the decision of the Commission of 17 October 2007 refusing the applicant access to certain documents sent by the Italian authorities to the Commission in proceedings concerning an aid scheme

Operative part of the order

1. There is no longer any need to adjudicate on the action.
2. Each party shall bear its own costs.

(¹) OJ C 64, 8.3.2008.

**Order of the Court of First Instance of 3 September 2008
— Nuova Agricast v Commission**

(Case T-479/07) (¹)

(Action for annulment — Access to documents — Withdrawal of the decision refusing access — Disclosure of documents against the explicit opinion of the author thereof — No need to adjudicate)

(2008/C 272/51)

Language of the case: Italian

Parties

Applicant: Nuova Agricast (Foggia, Italy) (represented by: A. Calabrese, lawyer)

Defendant: Commission of the European Communities (represented by: P. Costa de Oliveira and G. Conte, acting as Agents)