

**Re:**

Actions brought against three decisions of the Second Board of Appeal of OHIM of 12 September 2006 (Joined Cases R 1270/2005-2 and R 1408/2005-2; R 1226/2005-2 and R 1398/2005-2; R 1225/2005-2 and R 1397/2005-2), concerning opposition proceedings between Air Products and Chemicals, Inc. and Messer Group GmbH.

**Operative part of the judgment**

The Court:

1. Annuls the decisions of the Second Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM) of 12 September 2006 (Joined Cases R 1270/2005-2 and R 1408/2005-2; R 1226/2005-2 and R 1398/2005-2; R 1225/2005-2 and R 1397/2005-2);
2. Orders OHIM to bear its own costs and pay the costs of Air Products and Chemicals, Inc.;
3. Orders Messer Group GmbH to bear its own costs.

(<sup>1</sup>) OJ C 326, 30.12.2006.

**Judgment of the Court of First Instance of 21 October 2008 — Aventis Pharma v OHIM — Nycomed (Prazol)**

(Case T-95/07) (<sup>1</sup>)

*(Community trade mark — Opposition proceedings — Application for the Community word mark PRAZOL — Earlier national word mark PREZAL — Relative ground for refusal — Likelihood of confusion — Article 8(1)(b) of Regulation (EC) No 40/94)*

(2008/C 313/55)

Language of the case: English

**Parties**

*Applicant:* Aventis Pharma SA (Antony, France) (represented by: R. Gilbey, lawyer)

*Defendant:* Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented initially by S. Laitinen, and subsequently by Ó. Mondéjar Ortuño, acting as Agents)

*Other party to the proceedings before the Board of Appeal of OHIM, intervener before the Court of First Instance:* Nycomed GmbH, formerly Altana Pharma AG (Konstanz, Germany) (represented by: A. Ferchland, lawyer)

**Re:**

Action brought against the decision of the Fourth Board of Appeal of OHIM of 8 February 2007 (Case R 302/2005-4), relating to opposition proceedings between Altana Pharma AG and Aventis Pharma SA.

**Operative part of the judgment**

The Court:

1. Annuls the decision of the Fourth Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM) of 8 February 2007 (Case R 302/2005-4);
2. Orders OHIM to bear its own costs and to pay those incurred by Aventis Pharma SA;
3. Orders Nycomed GmbH to bear its own costs.

(<sup>1</sup>) OJ C 117, 26.5.2007.

**Judgment of the Court of First Instance of 23 October 2008 — People's Mojahedin Organization of Iran v Council**

(Case T-256/07) (<sup>1</sup>)

*(Common foreign and security policy — Restrictive measures directed against certain persons and entities with a view to combating terrorism — Freezing of funds — Actions for annulment — Rights of the defence — Statement of reasons — Judicial review)*

(2008/C 313/56)

Language of the case: English

**Parties**

*Applicant:* People's Mojahedin Organization of Iran (Auvers sur Oise, France) (represented by: J.-P. Spitzer, lawyer, and D. Vaughan QC)

*Defendant:* Council of the European Union (represented by: M. Bishop and E. Finnegan, Agents)

*Interveners in support of the defendant:* United Kingdom of Great Britain and Northern Ireland (represented: initially by V. Jackson and T. Harris, and subsequently by V. Jackson, Agents, and assisted by S. Lee and M. Gray, Barristers); Commission of the European Communities (represented: initially by S. Boelaert and J. Aquilina, and subsequently by S. Boelaert, P. Aalto and P. van Nuffel, Agents); Kingdom of the Netherlands (represented by: M. de Grave and Y. de Vries, Agents)

**Re:**

APPLICATION, initially, for annulment of Council Decision 2007/445/EC of 28 June 2007 implementing Article 2(3) of Regulation (EC) No 2580/2001 on specific restrictive measures directed against certain persons and entities with a view to combating terrorism and repealing Decisions 2006/379/EC and 2006/1008/EC (OJ 2007 L 169, p. 58), so far as it concerns the applicant.

### Operative part of the judgment

*The Court:*

1. *Dismisses the action as unfounded in so far as it seeks annulment of Council Decision 2007/445/EC of 28 June 2007 implementing Article 2(3) of Regulation (EC) No 2580/2001 on specific restrictive measures directed against certain persons and entities with a view to combating terrorism and repealing Decisions 2006/379/EC and 2006/1008/EC*
2. *Annuls Article 1 of Council Decision 2007/868/EC of 20 December 2007 implementing Article 2(3) of Regulation No 2580/2001 on specific restrictive measures directed against certain persons and entities with a view to combating terrorism and repealing Decision 2007/445, and point 2.19 of the list annexed to that decision, in so far as they concern the People's Mojahedin Organization of Iran;*
3. *Dismisses the action as unfounded in so far as it seeks annulment of the other provisions of Decision 2007/868, so far as the People's Mojahedin Organization of Iran is concerned;*
4. *Orders the Council to bear, in addition to its own costs, one third of the costs of the People's Mojahedin Organization of Iran;*
5. *Orders the United Kingdom of Great Britain and Northern Ireland, the Commission and the Kingdom of the Netherlands to pay their own costs.*

<sup>(1)</sup> OJ C 211, 8.9.2007.

### Judgment of the Court of First Instance of 20 October 2008 — Marcuccio v Commission

(Case T-278/07 P) <sup>(1)</sup>

*(Appeal — Staff cases — Officials — Social security — Industrial accident — Decision to close the procedure for the application of Article 73 of the Staff Regulations — Lack of an act causing adverse effect — Appeal unfounded)*

(2008/C 313/57)

*Language of the case: Italian*

### Parties

*Applicant:* Luigi Marcuccio (Tricase, Italy) (represented by: G. Cipressa, lawyer)

*Defendant:* Commission of the European Communities (represented by: J. Currall and C. Berardis-Kayser, agents, assisted by A. Dal Ferro, lawyer)

**Re:**

Appeal against the order of the European Union Civil Service Tribunal (First Chamber) of 11 May 2007 *Marcuccio v Commission* (Case F-2/06, not yet published in the ECR), for the annulment of that order.

### Operative part of the judgment

*The Court:*

1. *dismisses the appeal;*
2. *orders Mr Luigi Marcuccio to bear his own costs and to pay the Commission's costs before this Court.*

<sup>(1)</sup> OJ C 211, 8.9.2007.