

Judgment of the Court of First Instance of 15 October 2008 — TridonicAtco v OHIM (Intelligent Voltage Guard)

(Case T-297/07) ⁽¹⁾

(Community trade mark — Application for the Community figurative mark Intelligent Voltage Guard — Absolute grounds for refusal — Lack of distinctive character — Article 7(1)(b) of Regulation (EC) No 40/94)

(2008/C 313/58)

Language of the case: German

Parties

Applicant: TridonicAtco GmbH & Co. KG (Dornbirn, Austria) (represented initially by: L. Wiltschek, lawyer, later by L. Wiltschek and E. Tremmel, lawyers)

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 31 May 2007 (Case R 108/2007-2) concerning an application to register the figurative mark Intelligent Voltage Guard as a Community trade mark.

Operative part of the judgment

The Court:

1. Dismisses the application;
2. Orders TridonicAtco & Co. KG to pay the costs.

⁽¹⁾ OJ C 235 of 6.10.2007.

Order of the Court of First Instance of 25 September 2008 — Regione Siciliana v Commission

(Joined Cases T-392/03, T-408/03, T-414/03 and T-435/03) ⁽¹⁾

(Action for annulment — ERDF — Withdrawal of financial aid — Recovery of sums already paid — Claims for payment of default interest — Compensation — Regional or local entity — No direct concern — Admissibility)

(2008/C 313/59)

Language of the case: Italian

Parties

Applicant: Regione Siciliana (Italy) (represented by: G. Aiello and A. Cingolo, avvocati dello Stato)

Defendant: Commission of the European Communities (represented by: E. de March, L. Flynn and G. Wilms, Agents, and A. Dal Ferro, lawyer)

Re:

Case T-392/03: application to annul the Commission's letter of 6 October 2003, as far as it concerns the procedure for recovery of sums paid by the European Regional Development Fund (ERDF) in respect of the infrastructure project 'Dam across the Gibbesi' and the earlier and derivative acts; Case T-408/03: application for annulment of the letter of 6 October 2003 as far as it concerns the procedure for the recovery of sums paid by the ERDF for the infrastructure projects 'Aragona Favara' and 'Plain of Catania' and the earlier and derivative acts, including the Commission's letter of 13 August 2003 and 14 August 2003; Case T-414/03: application for annulment of the letter of 6 October 2003 in so far as it concerns the procedure for the recovery of sums paid by the ERDF of the infrastructure project 'Messine-Palermo Motorway' and the earlier and derivative acts, including Commission debit note No 3240406591 of 25 September 2002, and in Case T-435/03: application to annul the Commission's letter of 24 October 2003 relating to the offsetting of Commission credits and debt connected to the ERDF assistance 'Porto Empedocle', 'Dam across the Gibbesi', 'Messine-Palermo', 'Aragona Favara' and 'Plain of Catania' together with the earlier and derivative acts.

Operative part of the order

1. The actions are dismissed as inadmissible.
2. The Regione Siciliana is ordered to pay the costs.

⁽¹⁾ OJ C 35 of 7.2.2004.

Order of the Court of First Instance of 8 October 2008 — Gippini Fournier v Commission

(Case T-23/05) ⁽¹⁾

(Action for annulment — Action for damages — Staff case — Promotion — Award of priority points — Act not capable of being appealed — Preparatory acts — Inadmissibility)

(2008/C 313/60)

Language of the case: French

Parties

Applicant: Éric Gippini Fournier (Brussels, Belgium) (represented by: A. Theissen and, subsequently, by F. Ruggeri Laderchi, lawyers)