

Order of the Court (Eighth Chamber) of 24 September 2009 — Alcon Inc. v Office for Harmonisation in the Internal Market (Trade Marks and Designs), *Acri.Tec AG Gesellschaft für ophthalmologische Produkte

(Case C-481/08 P) ⁽¹⁾

(Appeals — Community trade mark — Word mark BioVisc — Opposition filed by the proprietor of Community and international word marks PROVISC and DUOVISC — Rejection of the opposition by the Board of Appeal of OHIM)

(2010/C 11/16)

Language of the case: English

Parties

Appellant: Alcon Inc. (represented by: M. Graf, Rechtsanwalt)

Other parties to the proceedings: Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by A. Folliard-Monguiral, acting as Agent), *Acri.Tec AG Gesellschaft für ophthalmologische Produkte (represented by: H. Förster, Rechtsanwalt)

Re:

Appeal brought against the judgment of the Court of First Instance (Fourth Chamber) in Case T-106/07 *Alcon v OHIM and *Acri.Tec* by which the Court of First Instance dismissed an action for annulment brought by the proprietor of the Community and international word marks 'PROVISC' and 'DUOVISC' for goods in Class 5 against Decision R 660/2006-2 of the Second Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM) of 8 February 2005 annulling the decision of the Opposition Division which refused registration of the word mark 'BioVisc' for goods in Class 5 in the context of the opposition filed by the applicant

Operative part of the order

1. *The appeal is dismissed.*
2. *Alcon Inc. is ordered to pay the costs.*

⁽¹⁾ OJ C 19, 24.1.2009.

Order of the Court of 24 September 2009 — Município de Gondomar v Commission of the European Communities

(Case C-501/08 P) ⁽¹⁾

(Appeal — Cohesion Fund — Regulation (EC) No 1164/94 — Cancellation of Community financial assistance — Action for annulment — Admissibility — Measures of direct and individual concern to the applicant)

(2010/C 11/17)

Language of the case: Portuguese

Parties

Appellant: Município de Gondomar (represented by: J.L. da Cruz Vilaça and L. Pinto Monteiro, advogados)

Other party to the proceedings: Commission of the European Communities (represented by: P. Guerra e Andrade and B. Conte, Agents)

Re:

Appeal brought against the order of the Court of First Instance (Fourth Chamber) of 10 September 2008 in Case T-324/06 *Município de Gondomar v Commission* in which the Court of First Instance declared inadmissible the action for annulment of Commission Decision C(2006) 3782 of 16 August 2006 on the cancellation of the financial assistance granted by the Cohesion Fund for Project No 95/10/61/017 — Redevelopment of Greater Oporto/South — Gondomar subsystem

Operative part of the order

1. *The appeal is dismissed.*
2. *The Município de Gondomar shall pay the costs.*

⁽¹⁾ OJ C 19, 24.01.2009.