

Order of the Court (Fifth Chamber) of 24 September 2009 — HUP Usługi Polska sp. z o.o., (formerly HP Temporärpersonalgesellschaft mbH) v Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM), Manpower Inc.

(Case C-520/08 P) ⁽¹⁾

(Appeal — Community trade mark — Regulation (EC) No 40/94 — Article 7(1)(b), (c), (d) and (g) — Application for a declaration of invalidity — Community word mark I.T.@MANPOWER)

(2010/C 11/18)

Language of the case: English

Parties

Appellant: HUP Usługi Polska sp. z o.o., (formerly HP Temporärpersonalgesellschaft mbH) (represented by: represented by M. Ciresa, Rechtsanwalt)

Other parties to the proceedings: Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM) (represented by: A. Folliard-Monguiral, acting as Agent), Manpower Inc. (represented by: V. Marsland, Solicitor, and A. Bryson, Barrister)

Re:

Appeal brought against the judgment of the Court of First Instance (Fifth Chamber) of 24 September 2008 in Case T-248/05 *HUP Usługi Polska v OHIM — Manpower (I.T.@MANPOWER)*, by which the Court of First Instance dismissed an action for annulment brought against the decision of the Fourth Board of Appeal of the Office for Harmonisation in the Internal Market (OHIM) of 5 April 2005 (Case R 124/2004–4), which in turn dismissed the action brought against the decision of the Cancellation Division which had dismissed an application for a declaration of invalidity of Community word mark 'I.T.@MANPOWER' for goods and services in Classes 9, 16, 35, 38, 41 and 42 — Trade mark with no descriptive character

Operative part of the order

1. *The appeal is dismissed.*
2. *HUP Usługi Polska sp. z o.o. shall pay the costs.*

⁽¹⁾ OJ C 55, 7.3.2009.

Order of the Court of 1 October 2009 — Agrar-Invest-Tatschl GmbH v Commission of the European Communities

(Case C-552/08P P) ⁽¹⁾

(Appeal — Customs Code — Article 220(2)(b) — Post-clearance recovery of import duties — Waiver of subsequent entry in the accounts of import duties — Notice to importers — Good faith)

(2010/C 11/19)

Language of the case: German

Parties

Appellant: Agrar-Invest-Tatschl GmbH (represented by: O. Wenzlaff, Rechtsanwalt)

Other party to the proceedings: Commission of the European Communities (represented by: S. Schønberg, agent and B. Wägenbaur, Rechtsanwalt)

Re:

Appeal brought against the judgment of the Court of First Instance (Eighth Chamber) of 8 October 2008 in Case T-51/07 *Agrar-Invest-Tatschl v Commission*, by which the Court dismissed the action for partial annulment of Commission Decision C (2006) 5789 final of 4 December 2006 finding that post-clearance recovery of a part of the import duty not demanded from the applicant in respect of the import of sugar from Croatia should be effected — Good faith of the person liable to duty precluded if the Commission has published a notice to importers — Incorrect assessment of the effect which the subsequent confirmation of the authenticity and accuracy of the certificates of origin by the customs authorities of the State of export has on the criterion of good faith

Operative part of the order

The Court:

1. *Dismisses the appeal.*
2. *Orders Agrar-Invest-Tatschl GmbH to pay the costs.*

⁽¹⁾ OJ C 55, 7.3.2009.

Reference for a preliminary ruling from the Gerechtshof te Amsterdam (Netherlands), lodged on 29 July 2009 — Criminal proceedings against X

(Case C-297/09)

(2010/C 11/20)

Language of the case: Dutch

Referring court

Gerechtshof te Amsterdam