

application for a declaration of invalidity submitted by the applicant concerning the Community word mark 'FAMOXIN' for goods and services in Class 5.

Operative part

The Court:

1. Dismisses the appeal;
2. Orders The Wellcome Foundation Ltd to pay the costs.

Judgment of the Court (Third Chamber) of 15 July 2010 — Commission v Italy

(Case C-573/08)

(Failure of a Member State to fulfil obligations — Directive 79/409/EEC — Conservation of wild birds — Measures transposing the directive)

Environment — Conservation of wild birds — Directive 79/409 (Council Directive 79/409, Art. 4(4)) (see paras 40, 43-44)

Re:

Failure of a Member State to fulfil obligations — Infringement of Articles 2, 3, 4, 5, 6, 7, 9, 10, 11, 13 and 18 of Council Directive 79/409/EEC of 2 April 1979 on the conservation of wild birds (OJ 1979 L 103, p. 1) — Incorrect transposition — Derogations — Requirements

Operative part

The Court:

1. Declares that, the legislation transposing Council Directive 79/409/EEC of 2 April 1979 on the conservation of wild birds into Italian law not being quite consistent with that directive, and the system for transposing Article 9 of that directive failing to ensure that the derogations adopted by the competent Italian authorities satisfy the conditions and requirements referred to in that article, the Italian Republic has failed to fulfil its obligations under Articles 2 to 7, 9 to 11, 13 and 18 of the Directive;
2. Orders the Italian Republic to bear the costs, including those of the interlocutory proceedings.

Judgment of the Court (Sixth Chamber) of 15 July 2010 — Commission v Greece

(Case C-512/09)

(Failure of a Member State to fulfil obligations — Directive 2006/66/EC — Batteries and accumulators and waste batteries and accumulators — Failure to transpose within the prescribed period)

Actions for failure to fulfil obligations — Examination of the merits by the Court — Situation to be taken into consideration — Situation on expiry of the period laid down in the reasoned opinion (Art. 258 TFEU; European Parliament and Council Directive 2006/66) (see paras 7-10)