

Operative part of the judgment

The Court:

1. Annuls 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; Council Decision 2007/868/EC of 20 December 2007 implementing Article 2(3) of Regulation No 2580/2001 and repealing Decision 2007/445; Council Decision 2008/583/EC of 15 July 2008 implementing Article 2(3) of Regulation No 2580/2001 and repealing Decision 2007/868; Council Decision 2009/62/EC of 26 January 2009 implementing Article 2(3) of Regulation No 2580/2001 and repealing Decision 2008/583; and Council Regulation (EC) No 501/2009 of 15 June 2009 implementing Article 2(3) of Regulation No 2580/2001 and repealing Decision 2009/62, in so far as those acts concern Stichting Al-Aqsa;
2. Dismisses the application as to the remainder;
3. Orders the Council of the European Union to bear, in addition to its own costs, the costs of Stichting Al-Aqsa;
4. Orders the Kingdom of the Netherlands and the European Commission to bear their own costs.

(¹) OJ C 269, 10.11.2007.

Judgment of the General Court of 9 September 2010 — Axis v OHIM — Etra Investigación y Desarrollo (ETRAX)

(Case T-70/08) (¹)

(Community trade mark — Opposition proceedings — Application for Community word mark ETRAX — Earlier national figurative marks containing the word elements ETRA I+D — Relative ground for refusal — Admissibility of the appeal before the Board of Appeal — Rule 49(1) of Regulation (EC) No 2868/95 and Article 59 of Regulation (EC) No 40/94 (now Article 60 of Regulation (EC) No 207/2009)

(2010/C 288/62)

Language of the case: English

Parties

Applicant: Axis AB (Lund, Sweden) (represented by: J. Norderyd, lawyer)

Defendant: Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM) (represented by: A. Folliard-Monguiral, Agent)

Other party to the proceedings before the Board of Appeal of OHIM: Etra Investigación y Desarrollo, SA (Valencia, Spain)

Re:

Action brought against the decision of the Second Board of Appeal of OHIM of 27 November 2007 (Case R 334/2007-2) relating to opposition proceedings between Etra Investigación y Desarrollo, SA and Axis AB.

Operative part of the order

The Court:

1. Annuls the decision of the Second Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM) of 27 November 2007 (Case R 334/2007-2) relating to opposition proceedings between Etra Investigación y Desarrollo, SA and Axis AB;
2. Orders OHIM to bear its own costs and to pay those incurred by Axis AB.

(¹) OJ C 107, 26.4.2008.

Judgment of the General Court of 9 September 2010 — Now Pharm v Commission

(Case T-74/08) (¹)

(Medicinal products for human use — Orphan Designation Procedure — Request for designation of the medicinal product ‘Chelidonii radix special liquid extract’ (‘Ukrain’) as an orphan medicinal product — Commission decision refusing designation as an orphan medicinal product)

(2010/C 288/63)

Language of the case: German

Parties

Applicant: Now Pharm AG (Luxembourg, Luxembourg) (represented by: initially C. Kaletta and I.-J. Tegebauer and subsequently C. Kaletta, lawyers)

Defendant: European Commission (represented by: B. Schima and M. Šimerdová, Agents)