

**Judgment of the General Court of 23 September 2011 —  
Vion v OHIM (PASSION FOR BETTER FOOD)**

(Case T-251/08) <sup>(1)</sup>

*(Community trade mark — Application for Community word mark PASSION FOR BETTER FOOD — Absolute ground for refusal — Lack of distinctiveness — Article 7(1)(b) of Regulation (EC) No 40/94 (now Article 7(1)(b) of Regulation (EC) No 207/2009))*

(2011/C 319/23)

Language of the case: German

**Parties**

*Applicant:* Vion NV (Best, Netherlands) (represented by: A. Klingner, lawyer)

*Defendant:* Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented initially by: M. Kicia and subsequently by: R. Manea, acting as Agents)

**Re:**

Action brought against the decision of the Fourth Board of Appeal of OHIM of 25 April 2008 (Case R 562/2007-4) concerning the registration of the word sign PASSION FOR BETTER FOOD as a Community trade mark

**Operative part of the judgment**

*The Court:*

1. Dismisses the action;
2. Orders Vion NV to pay the costs.

<sup>(1)</sup> OJ C 223, 30.8.2008.

**Judgment of the General Court of 20 September 2011 —  
Regione autonoma della Sardegna and others v  
Commission**

(Joined Cases T-394/08, T-408/08, T-453/08 and T-454/08) <sup>(1)</sup>

*(State aids — Aid in favour of the hotel industry in the Region of Sardinia — Decision declaring the aid partly compatible and partly incompatible with the common market and ordering its recovery — New aid — Obligation to state reasons — Protection of legitimate expectations — Incentive effect — De minimis rule)*

(2011/C 319/24)

Language of the case: Italian

**Parties**

*Applicant:* Regione autonoma della Sardegna (Italy) (represented by: A. Fantozzi, P. Carrozza and G. Mameli, lawyers) (Case

T-394/08); SF Turistico Immobiliare Srl (Orosei, Italy) (represented by: L. Marcialis, lawyer) (T-408/08); Timsas Srl (Arezzo, Italy) (represented by: D. Dodaro, S. Pinna and S. Cianciullo, lawyers) (T-453/08); and Grand Hotel Abi D'Oru SpA (Olbia) (represented by: D. Dodaro, S. Cianciullo, and R. Masuri, lawyers) (T-454/08)

*Defendant:* European Commission (represented by: in Cases T-394/08 and T-454/08 E. Righini, D. Grespan and C. Urraca Caviedes; in Case T-408/08 E. Righini and D. Grespan; and in Case T-453/08 D. Grespan and C. Urraca Caviedes, agents)

*Interveners in support of the applicant in Case T-394/08:* Selene di Alessandra Cannas Sas (Cagliari, Italy); HGA Srl (Golfo Aranci, Italy); Gimar Srl (Sassari, Italy); Coghene Costruzioni Srl (Alghero, Italy); Camping Pini e Mare di Cogoni Franco & C. Sas (Quartu Sant'Elena, Italy); Immobiliare 92 Srl (Arzachena, Italy); Gardena Srl (Santa Teresa di Gallura, Italy); Hotel Stella 2000 Srl (Olbia, Italy); Vadis Srl (Valledoria, Italy); Macpep Srl (Sorso, Italy); San Marco SRL (Alghero); Due Lune SpA (Milan, Italy); Nicos Residence Srl (Santa Teresa di Gallura); Rosa Murgese (Iglesias, Italy); Mavi Srl (Arzachena); Hotel Mistral di Bruno Madeddu & C. Sas (Alghero); L'Esagono di Mario Azara & C. Snc (San Teodoro, Italy); Le Buganville di Cogoni Giuseppe & C. Snc (Villasimius, Italy); and Le Dune di Stefanelli Vincenzo & C. Snc (Arbus, Italy) (represented by: G. Dore, F. Cuilli and A. Vinci, lawyers)

**Re:**

Application for annulment of Commission Decision 2008/854/EC of 2 July 2008 on a State aid scheme (C 1/04 (ex NN 158/03 and CP 15/2003)): Misuse of aid measure N 272/98, Regional Act No 9 of 1998 (OJ 2008 L 302, p. 9), by which the Regione autonoma della Sardegna gave grants towards initial investment in the hotel industry in Sardinia.

**Operative part of the judgment**

*The Court:*

1. Joins Cases T-394/08, T-408/08, T-453/08 and T-454/08 for the purposes of judgment;
2. Dismisses the actions;
3. Orders the applicants to pay the Commission's costs, excluding those incurred by it as a result of its intervention, and their own costs;
4. Orders the interveners in Case T-394/08 to bear the Commission's costs relating to the intervention and their own costs.

<sup>(1)</sup> OJ C 285, 8.11.2008.