

**Judgment of the General Court of 15 April 2011 — Czech Republic v Commission**

(Case T-465/08) <sup>(1)</sup>

*(PHARE — ‘Revolving funds’ obtained by the Czech Republic — Reimbursement of amounts paid — Commission decision to offset — Legal basis — Distinct legal orders — Concept of being certain and of a fixed amount — Obligation to state reasons)*

(2011/C 160/19)

Language of the case: Czech

**Parties**

*Applicant:* Czech Republic (represented by: M. Smolek, acting as Agent)

*Defendant:* European Commission (represented by: P. van Nuffel, F. Dintilhac and Z. Malůšková, acting as Agents)

**Re:**

Annulment of the decision of the Commission of 7 August 2008 on offsetting the amounts owed by the Czech Republic under the ‘revolving funds’ of the PHARE programme.

**Operative part of the judgment**

*The Court:*

1. Dismisses the application;
2. Orders the Czech Republic to pay the costs.

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<sup>(1)</sup> OJ C 327, 20.12.2008.

**Judgment of the General Court of 14 April 2011 — Lancôme v OHIM — Focus Magazin Verlag (ACNO FOCUS)**

(Case T-466/08) <sup>(1)</sup>

*(Community trade mark — Opposition proceedings — Application for the Community word mark ACNO FOCUS — Earlier national word mark FOCUS — Relative ground for refusal — Likelihood of confusion — Article 8(1)(b) of Regulation (EC) No 40/94 (now Article 8(1)(b) of Regulation (EC) No 207/2009) — Genuine use of the earlier mark — Article 43(2) and (3) of Regulation No 40/94 (now Article 42(2) and (3) of Regulation No 207/2009)*

(2011/C 160/20)

Language of the case: English

**Parties**

*Applicant:* Lancôme parfums et beauté & Cie (Paris, France) (represented by: A. von Mühlendahl and J. Pagenberg, lawyers)

*Defendant:* Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM) (represented by: G. Schneider, Agent)

*Other party to the proceedings before the Board of Appeal of OHIM, intervener before the General Court:* Focus Magazin Verlag GmbH (Munich, Germany) (represented by: R. Schweizer and J. Berlinger, lawyers)

**Re:**

Action brought against the decision of the First Board of Appeal of OHIM of 29 July 2008 (Case R 1796/2007-1) relating to opposition proceedings between Focus Magazin Verlag GmbH and Lancôme parfums et beauté & Cie.

**Operative part of the judgment**

*The Court:*

1. Dismisses the action;
2. Orders Lancôme parfums et beauté & Cie to pay the costs.

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<sup>(1)</sup> OJ C 6, 10.1.2009.

**Judgment of the General Court of 13 April 2011 — Germany v Commission**

(Case T-576/08) <sup>(1)</sup>

*(Agriculture — Common organisation of the markets — Distribution of food from intervention stocks for the benefit of the most deprived persons — Regulation (EC) No 983/2008 — Plan allocating to the Member States resources to be charged to the 2009 budget year for the distribution programme — Mobilisations on the market — Actions for annulment)*

(2011/C 160/21)

Language of the case: German

**Parties**

*Applicant:* Federal Republic of Germany (represented by: initially M. Lumma and B. Klein, then M. Lumma, B. Klein, T.Henze and N. Graf Vitzthum, acting as Agents)

*Defendant:* European Commission (represented by: F. Erlbacher and A. Szmytkowska, acting as Agents)

*Intervener in support of the applicant:* Kingdom of Sweden (represented by: A. Falk, K. Petkovska, S. Johannesson and M. A Engman, acting as Agents)