

Defendant: European Commission (represented initially by F. Amato, subsequently by V. Di Bucci, and lastly by É. Gippini Fournier and L. Malferrari, Agents, assisted by F. Ruggeri Laderchi, lawyer)

Re:

APPLICATION (i) for partial annulment of Commission Decision C(2005) 4012 final of 20 October 2005 relating to a proceeding under Article 81(1) [EC] (Case COMP/C.38.281/B.2 — Raw tobacco — Italy); (ii) for a reduction in the fine imposed on Transcatab by that decision; and (iii) by way of counterclaim by the Commission, for the amount of that fine to be increased.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Dismisses the European Commission's counterclaim;
3. Orders Transcatab to bear its own costs and to pay 90 % of the costs incurred by the Commission;
4. Orders the Commission to pay 10 % of its own costs.

(¹) OJ C 86, 8.4.2006.

Judgment of the General Court of 6 October 2011 — Galileo International Technology v OHIM — Galileo Sistemas y Servicios (GSS GALILEO SISTEMAS Y SERVICIOS)

(Case T-488/08) (¹)

(Community trade mark — Opposition proceedings — Application for Community figurative mark 'GSS GALILEO SISTEMAS Y SERVICIOS' — Earlier Community word marks 'GALILEO' — Earlier Community figurative mark 'powered by Galileo' — Earlier Community figurative marks 'GALILEO INTERNATIONAL' — Relative ground for refusal — Lack of likelihood of confusion — Article 8(1)(b) of Regulation (EC) No 40/94 (now Article 8(1)(b) of Regulation (EC) No 207/2009))

(2011/C 340/30)

Language of the case: English

Parties

Applicant: Galileo International Technology LLC (Bridgetown, Barbados) (represented by: S. Malynicz, Barrister, M. Blair and K. Gilbert, Solicitors)

Defendant: Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by: Ó. Mondéjar Ortuño and P. Bullock, Agents)

Other party to the proceedings before the Board of Appeal of OHIM: Galileo Sistemas y Servicios, SL (Madrid, Spain)

Re:

ACTION brought against the decision of the Fourth Board of Appeal of OHIM of 28 August 2008 (Case R 403/2006-4), concerning opposition proceedings between Galileo International Technology, LLC and Galileo Sistemas y Servicios, SL.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Galileo International Technology, LLC to pay the costs.

(¹) OJ C 19, 24.1.2009.

Judgment of the General Court of 6 October 2011 — Bang & Olufsen v OHIM (Representation of a loudspeaker)

(Case T-508/08) (¹)

(Community trade mark — Application for a three-dimensional Community trade mark — Representation of a loudspeaker — Compliance by OHIM with a judgment annulling a decision of one of its Boards of Appeal — Article 63(6) of Regulation (EC) No 40/94 (now Article 65(6) of Regulation (EC) No 207/2009) — Absolute ground for refusal — Sign which consists exclusively of the shape which gives substantial value to the goods — Article 7(1)(e)(iii) of Regulation No 40/94 (now Article 7(1)(e)(iii) of Regulation No 207/2009))

(2011/C 340/31)

Language of the case: English

Parties

Applicant: Bang & Olufsen A/S (Struer, Denmark) (represented: initially by K. Wallberg and subsequently by J. Glaesel, lawyers)

Defendant: Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by: D. Botis and G. Schneider, Agents)

Re:

ACTION brought against the decision of the First Board of Appeal of OHIM of 10 September 2008 (Case R 497/2005-1), concerning an application to register a three-dimensional sign representing a loudspeaker as a Community trade mark.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Bang & Olufsen A/S to pay the costs.

(¹) OJ C 19, 24.1.2009.