

Judgment of the General Court of 7 July 2010 — mPAY24 GmbH v OHIM — Ultra (M PAY)

(Case T-557/08) ⁽¹⁾

(Community trade mark — Opposition proceedings — Application for Community figurative mark M PAY — Earlier Community and national word marks MPAY24 — Likelihood of confusion — Article 8(1)(b) of Regulation (EC) No 40/94 (now Article 8(1)(b) of Regulation (EC) No 207/2009))

(2010/C 221/66)

Language of the case: English

Parties

Applicant: mPAY24 GmbH (Vienna, Austria) (represented by: H-G. Zeiner, lawyer)

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

Other party to the proceedings before the Board of Appeal of OHIM: Ultra d.o.o. Proizvodnja elektronskih naprav (Zagorje ob Savi, Slovenia)

Re:

Action brought against the decision of the First Board of Appeal of OHIM of 30 September 2008 (Case R 221/2007-1) relating to opposition proceedings between mPAY24 GmbH and Ultra d.o.o. Proizvodnja elektronskih naprav.

Operative part of the judgment

The Court:

1. Annuls the decision of the First Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM) of 30 September 2008 (Case R 221/2007-1) in so far as that decision dismissed the opposition brought by mPAY24 GmbH;
2. Orders OHIM to pay the costs.

⁽¹⁾ OJ C 55, 7.3.2009.

Judgment of the General Court of 1 July 2010 — M6 and TF1 v Commission

(Joined Cases T-568/08 and T-573/08) ⁽¹⁾

(State aid — Public service broadcasting — Aid which the French Republic is intending to grant in favour of France Télévisions — Capital funding of EUR 150 million — Decision not to raise objections — Service of general economic interest — Criterion of proportionality — No serious difficulties)

(2010/C 221/67)

Language of the case: French

Parties

Applicants: Métropole télévision (M6) (Neuilly-sur-Seine, France) (represented by: O. Freget, N. Chahid-Nouraï, R. Lazerges and M. Potel, lawyers); and Télévision française 1 SA (TF1) (Boulogne-Billancourt, France) (represented by: J.-P. Hordies and C. Smits, lawyers)

Defendant: European Commission (represented by: B. Stromsky and B. Martenczuk, Agents)

Intervener in support of the applicants: Canal + (Issy-les-Moulineaux, France) (represented by: E. Guillaume, lawyer)

Interveners in support of the defendant: The French Republic (represented by: G. de Bergues and A.-L. Vendrolini, and then by G. de Bergues and L. Butel, Agents); and France Télévisions (Paris, France) (represented by: J.-P. Gunther, D. Tayar, A. Giraud and S. Snoeck, lawyers)

Re:

Applications for annulment of Commission Decision C(2008) 3506 final of 16 July 2008 relating to the proposed grant, by the French Republic, of capital funding of EUR 150 million to France Télévisions SA, and applications for an order that the Commission open a formal investigation procedure.

Operative part of the judgment

The Court:

1. Dismisses the actions;
2. Orders Métropole télévision (M6) to bear its own costs in Case T-568/08 and pay those incurred by the European Commission and France Télévisions in that case;