

**Operative part of the judgment**

The Court:

1. Declares that, by failing to adopt, all the measures necessary, within the framework of the management of waste illegally placed in the old quarries of Limas and Linos, situated in the commune of Lourosa, the Portuguese Republic has failed to fulfil its obligations under the terms of Articles 4 and 8 respectively of Directive 2006/12/EC of the European Parliament and of the Council of 5 April 2006 on waste, which codified Directive 75/442/EEC on waste and Articles 3 and 5 of Council Directive 80/68/EEC of 17 December 1979 on the protection of groundwater against pollution caused by certain dangerous substances;
2. Dismisses the remainder of the action;
3. Orders the Republic of Portugal to bear its own costs and to pay two-thirds of the costs incurred by the Commission. Orders the Commission to bear one-third of its own costs.

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(<sup>1</sup>) OJ C 82, 4.4.2009

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**Judgment of the Court (Fourth Chamber) of 24 June 2010 — Barbara Becker v Harman International Industries, Inc., Office for Harmonisation in the Internal Market (Trade Marks and Designs)**

(Case C-51/09 P) (<sup>1</sup>)

*(Appeal — Community trade mark — Regulation (EC) No 40/94 — Article 8(1)(b) — Word mark Barbara Becker — Opposition by the proprietor of the Community word marks BECKER and BECKER ONLINE PRO — Assessment of the likelihood of confusion — Assessment of the conceptual similarity of the signs)*

(2010/C 221/15)

Language of the case: English

**Parties**

*Appellant:* Barbara Becker (represented by: P. Baronikians, Rechtsanwalt)

*Other parties to the proceedings:* Harman International Industries, Inc. (represented by: M. Vanhegan, Barrister), Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by: G. Schneider, Agent)

**Re:**

Appeal against the judgment of the Court of First Instance (First Chamber) of 2 December 2008 in Case T-212/07 *Harman International Industries v OHIM — Becker (Barbara Becker)*, in which the Court of First Instance annulled Decision R 502/2006-1 of the First Board of Appeal of the Office for Harmonisation in the Internal Market (OHIM) of 7 March 2007 annulling the Opposition Division's decision refusing the registration of the word mark 'Barbara Becker' for goods in Class 9 in opposition proceedings brought by Harman International Industries, Inc.

**Operative part of the judgment**

The Court:

1. Sets aside the judgment of the Court of First Instance of the European Communities of 2 December 2008 in Case T-212/07 *Harman International Industries v OHIM — Becker (Barbara Becker)*;
2. Refers the case back to the General Court of the European Union;
3. Reserves the costs.

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(<sup>1</sup>) OJ C 82, 4.4.2009.

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**Judgment of the Court (First Chamber) of 10 June 2010 (reference for a preliminary ruling from the Bundesfinanzhof — Germany) — Leo-Libera GmbH v Finanzamt Buchholz in der Nordheide**

(Case C-58/09) (<sup>1</sup>)

*(Reference for a preliminary ruling — Value added tax — Directive 2006/112/EC — Article 135(1)(i) — Exemption of betting, lotteries and other forms of gambling — Conditions and limitations — Discretionary power of the Member States)*

(2010/C 221/16)

Language of the case: German

**Referring court**

Bundesfinanzhof

**Parties to the main proceedings**

*Applicant:* Leo-Libera GmbH

*Defendant:* Finanzamt Buchholz in der Nordheide