

**Operative part of the order**

1. *The appeal is dismissed.*

2. *Kaul GmbH shall pay the costs.*

<sup>(1)</sup> OJ C 193, 15.8.2009.

**Order of the Court of 23 April 2010 — Office for Harmonisation in the Internal Market (Trade Marks and Designs) v Frosch Touristik GmbH, DSR touristik GmbH**

(Case C-332/09 P) <sup>(1)</sup>

*(Appeal — Community trade mark — Regulation (EC) No 40/94 — Community word mark FLUGBÖRSE — Invalidity proceedings — Material date for the examination of an absolute ground for invalidity)*

(2010/C 234/28)

*Language of the case: German*

**Parties**

*Appellant:* Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by: B. Schmidt, acting as Agent)

*Other parties to the proceedings:* Frosch Touristik GmbH (represented by: H. Lauf, Rechtsanwalt), DSR touristik GmbH

**Re:**

Appeal against the judgment of the Court of First Instance (Fifth Chamber) of 3 June 2009 in Case T-189/07 *Frosch Touristik v OHIM — DSR touristik (FLUGBÖRSE)*, by which the Court annulled the decision of the Fourth Board of Appeal of OHIM of 22 March 2007 dismissing the appeal by the proprietor of the Community word mark 'FLUGBÖRSE' against the decision of the Cancellation Division declaring that mark partially invalid — Determination of the material date for the examination of an absolute ground for invalidity in invalidity proceedings

**Operative part of the order**

1. *The appeal is dismissed.*

2. *The Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM) is ordered to pay the costs.*

<sup>(1)</sup> OJ C 256, 24.10.2009.

**Order of the Court of 12 May 2010 — Pigasos Alieftiki Naftiki Etairia v Council of the European Union and European Commission**

(Case C-451/09 P) <sup>(1)</sup>

*(Appeal — Non-contractual liability — Proof of Community origin of products fished by a vessel owned by a company registered under Greek law — Failure to adopt provisions permitting the customs authorities of the Member States to accept documents issued by a non-Member State, other than form T2M)*

(2010/C 234/29)

*Language of the case: Greek*

**Parties**

*Appellant:* Pigasos Alieftiki Naftiki Etairia (represented by: N. Skandamis and E. Perakis, dikigoroí)

*Other parties to the proceedings:* Council of the European Union (represented by: F. Florindo Gijón and M. Balta, acting as Agents), European Commission (represented by: M. Patakia and B.-R. Killmann, acting as Agents)

**Re:**

Appeal against the judgment of the Court of First Instance (Seventh Chamber) of 16 September 2009 in Case T-162/07 *Pigasos Alieftiki Naftiki Etairia v Council and Commission*, in which that Court dismissed an action for damages to compensate for the damage alleged to have been suffered by the applicant as a result of the fact that the Council and the Commission did not adopt provisions enabling the customs authorities of a Member State, in this case the Greek customs authorities, to accept as proof of the Community nature of products fished by a Greek vessel belonging to the applicant documents issued by a third State other than the T2M form provided for in Commission Regulation (EEC) No 2454/93 of 2 July 1993 (JO 1993 L 253, p. 1)