

Defendant: European Commission (represented by: F. Erlbacher, Agent)

Re:

APPLICATION for the partial annulment of Commission Decision 2007/327/EC of 27 April 2007 on the clearance of the accounts of the paying agencies of Member States concerning expenditure financed by the European Agricultural Guidance and Guarantee Fund (EAGGF), Guarantee Section, for the 2006 financial year (OJ 2007 L 122, p. 51)

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders the Federal Republic of Germany to pay the costs.

(¹) OJ C 211, 8.9.2007.

Judgment of the General Court of 26 October 2010 — CNOP and CCG v Commission

(Case T-23/09) (¹)

(Competition — Administrative procedure — Decision ordering an inspection — Article 20(4) of Regulation (EC) No 1/2003 — Absence of legal personality of an addressee — Obligation to state the reasons on which the decision is based — Concepts of undertaking and association of undertakings)

(2010/C 346/78)

Language of the case: French

Parties

Applicants: Conseil national de l'Ordre des pharmaciens (CNOP) (Paris, France); and Conseil central de la section G de l'Ordre national des pharmaciens (CCG) (Paris) (represented initially by Y. R. Guillou, H. Speyart van Woerden, T. Verstraeten and C. van Sasse van Ysselst, and subsequently by Y. R. Guillou, L. Defalque and C. Robert, lawyers)

Defendant: European Commission (represented by: A. Bouquet and É. Gippini Fournier, Agents)

Re:

Application for annulment of Commission Decision C(2008) 6494 of 29 October 2008 in Case COMP/39510 ordering the Ordre national des pharmaciens (ONP), the CNOP and the CCG to submit to an inspection pursuant to Article 20(4) of Council Regulation (EC) No 1/2003 of 16 December 2002 on the implementation of the rules on competition laid down in Articles 81 [EC] and 82 [EC] (OJ 2003 L 1, p. 1).

Operative part of the judgment

The Court:

1. Dismisses the action;

2. Orders the Conseil national de l'Ordre des pharmaciens (CNOP) and the Conseil central de la section G de l'Ordre national des pharmaciens (CCG) to pay the costs.

(¹) OJ C 55, 7.3.2009.

Judgment of the General Court of 27 October 2010 — Reali v Commission

(Case T-65/09 P) (¹)

(Appeal — Civil service — Contract staff — Recruitment — Classification in grade — Experience — Qualifications — Equivalence)

(2010/C 346/79)

Language of the case: English

Parties

Appellant: Enzo Reali (Florence, Italy) (represented by: S. Pappas)

Other party to the proceedings: European Commission (represented by: J. Currall and B. Eggers, Agents)

Re:

Appeal against the judgment of the European Union Civil Service Tribunal (Second Chamber) of 11 December 2008, in Case F-136/06 *Reali v Commission* [2008] ECR-SC I-A-1-0000 and II-A-1-0000, seeking to have that judgment set aside.

Operative part of the judgment

The Court:

1. Dismisses the appeal;
2. Orders Mr Enzo Reali to bear his own costs and to pay those incurred by the European Commission on the appeal.

(¹) OJ C 102, 1.5.2009.

Judgment of the General Court of 28 October 2010 — Farmeco v OHIM — Allergan (BOTUMAX)

(Case T-131/09) (¹)

(Community trade mark — Opposition proceedings — Application for the Community word mark BOTUMAX — Earlier Community word and figurative marks BOTOX — Relative grounds for refusal — Likelihood of confusion — Damage to reputation — Article 8(1)(b) and (5) of Regulation (EC) No 40/94 (now Article 8(1)(b) and (5) of Regulation (EC) No 207/2009))

(2010/C 346/80)

Language of the case: English

Parties

Applicant: Farmeco AE Dermokallyntika (Athens, Greece) (represented by: N. Lymperis, lawyer)

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

Other party to the proceedings before the Board of Appeal of OHIM: Allergan Inc. (Irvine, California, United States)

Re:

Action brought against the decision of the Fourth Board of Appeal of OHIM of 2 February 2009 (Case R 60/2008-4), relating to opposition proceedings between Allergan Inc. and Farmeco AE Dermokallyntika.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Farmeco AE Dermokallyntika to pay the costs.

(¹) OJ C 129, 6.6.2009.

Judgment of the General Court of 27 October 2010 — Michalakopoulou Ktimatiki Touristiki v OHIM — Free (FREE)

(Case T-365/09) (¹)

(Community trade mark — Opposition proceedings — Application for the Community word mark FREE — Earlier national word mark FREE and earlier national figurative mark free LA LIBERTÉ N'A PAS DE PRIX — Relative ground for refusal — Likelihood of confusion — Similarity of the signs — Article 8(1)(b) of Regulation (EC) No 207/2009)

(2010/C 346/81)

Language of the case: English

Parties

Applicant: Michalakopoulou Ktimatiki Touristiki AE (Athens, Greece) (represented by: K. Papadiamantis and A. Koliiothomas, lawyers)

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

Other party to the proceedings before the Board of Appeal of OHIM, intervening before the General Court: Free SAS (Paris, France) (represented by: Y. Coursin, lawyer)

Re:

Action brought against the decision of the First Board of Appeal of OHIM of 11 June 2009 (Case R 1346/2008-1) relating to opposition proceedings between Free SAS and Eidikes Ekdoseis AE

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Michalakopoulou Ktimatiki Touristiki AE to bear its own costs and to pay those incurred by the Office for Harmonisation in

the Internal Market (Trade Marks and Designs) (OHIM) and Free SAS in the proceedings before the Court.

(¹) OJ C 267, 7.11.2009.

Order of the General Court of 28 October 2010 — Marcuccio v Commission

(Case T-32/09 P) (¹)

(Appeal — Civil service — Officials — Pre-litigation procedure — Appeal clearly unfounded — Cross-appeal limited to costs)

(2010/C 346/82)

Language of the case: Italian

Parties

Appellant: Luigi Marcuccio (Tricase, Italy) (represented by: G. Cipressa, lawyer)

Other party to the proceedings: European Commission (represented by: J. Currall and C. Berardis-Kayser, Agents, and A. dal Ferro, lawyer)

Re:

Appeal against the order of the Civil Service Tribunal of the European Union (First Chamber) of 4 November 2008 in Case F-18/07 *Marcuccio v Commission*, not published in the ECR, seeking the annulment of that order.

Operative part of the order

1. The appeal is dismissed as clearly unfounded.
2. The cross-appeal is dismissed as clearly inadmissible.
3. Mr Luigi Marcuccio is ordered to bear, in addition to his own costs, the costs incurred by the Commission in the appeal.
4. Each party is ordered to bear its own costs in the cross-appeal.

(¹) OJ C 69,21.3.2009.

Order of the General Court of 18 October 2010 — Marcuccio v Commission

(Case T-515/09 P) (¹)

(Appeal — Civil service — Officials — Refusal of an institution to translate a decision — Appeal in part manifestly inadmissible and in part manifestly unfounded)

(2010/C 346/83)

Language of the case: Italian

Parties

Appellant: Luigi Marcuccio (Tricase, Italy) (represented by: G. Cipressa, lawyer)