

Defendant: European Commission (represented by: M. Konstantinidis, P. Guerra e Andrade and P. Costa de Oliveira, Agents)

Re:

APPLICATION for annulment of Commission Decision C(2008) 7419 final of 25 November 2008, requiring payment of the penalty payments due pursuant to the judgment of the Court of Justice in Case C-70/06 *Commission v Portugal* [2008] ECR I-1

Operative part of the judgment

The Court:

1. *Annuls Commission Decision C(2008) 7419 final of 25 November 2008;*

2. *Orders the European Commission to pay the costs.*

(¹) OJ C 82, 4.4.2009.

Judgment of the General Court of 24 March 2011 — XXXLutz Marken v OHIM — Natura Selection (Linea Natura Natur hat immer Stil)

(Case T-54/09) (¹)

(Community trade mark — Opposition proceedings — Application for Community figurative mark Linea Natura Natur hat immer Stil — Earlier Community figurative mark natura selection — Relative ground for refusal — Likelihood of confusion — Similarity of the signs — Article 8(1)(b) of Regulation (EC) No 40/94 (now Article 8(1)(b) of Regulation (EC) No 207/2009)

(2011/C 145/40)

Language of the case: German

Parties

Applicant: XXXLutz Marken GmbH (Wels, Austria) (represented by: H. Pannen, lawyer)

Defendant: Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by: S. Schäffner, Agent)

Other party to the proceedings before the Board of Appeal of OHIM, intervening before the General Court: Natura Selection, SL (Barcelona, Spain) (represented by: E. Sugrañes Coca, lawyer)

Re:

Action brought against the decision of the Second Board of Appeal of OHIM of 28 November 2008 (Case R 1787/

2007-2) relating to opposition proceedings between Natura Selection, SL and XXXLutz Marken GmbH.

Operative part of the judgment

The Court:

1. *Dismisses the action;*

2. *Orders XXXLutz Marken GmbH to pay the costs.*

(¹) OJ C 90, 18.4.2009.

Judgment of the General Court of 24 March 2011 — Dover v Parliament

(Case T-149/09) (¹)

(Rules governing the payment of expenses and allowances to Members of the European Parliament — Review of the use of allowances — Parliamentary assistance allowance — Justification of expenditure — Recovery of undue payments)

(2011/C 145/41)

Language of the case: English

Parties

Applicant: Densmore Ronald Dover (Borehamwood, Hertfordshire, United Kingdom) (represented by: D. Vaughan QC, M. Lester, Barrister, and M. French, Solicitor)

Defendant: European Parliament (represented by: H. Krück, D. Moore and M. Windisch, Agents)

Re:

Application for annulment of Decision D(2009) 4639 of the Secretary-General of the European Parliament of 29 January 2009 concerning the recovery of sums paid to the applicant by way of parliamentary allowances.

Operative part of the judgment

The Court:

1. *Annuls Decision D(2009) 4639 of the Secretary-General of the European Parliament of 29 January 2009 as regards the recovery of the sum of GBP 193 001;*

2. *Dismisses the action as to the remainder;*

3. *Orders the Parliament and Mr Densmore Ronald Dover each to bear their own costs.*

(¹) OJ C 141, 20.6.2009.

Judgment of the General Court of 24 March 2011 — Greece v Commission

(Case T-184/09) (¹)

(EAGGF — Guarantee Section — Expenditure excluded from Community financing — Common organisation of the markets in the sugar sector — Article 8(1) of Regulation (EC) No 1663/95 and Article 11(1) and (2) of Regulation (EC) No 885/2006 — Assessment of the risk of financial loss to the EAGGF — Principle of proportionality)

(2011/C 145/42)

Language of the case: Greek

Parties

Applicant: Hellenic Republic (represented by: V. Kontolaimos, E. Leftheriotou and V. Karra, Agents)

Defendant: European Commission (represented by: F. Jimeno Fernández and A. Markoulli, Agents)

Re:

Application for annulment of Commission Decision 2009/253/EC of 19 March 2009 excluding from Community financing certain expenditure incurred by the Member States under the Guarantee Section of the European Agricultural Guidance and Guarantee Fund (EAGGF) and under the European Agricultural Guarantee Fund (EAGF) (OJ 2009 L 75, p. 15), in so far as it excludes certain expenditure incurred by the Hellenic Republic in the context of the common organisation of the markets in the sugar sector.

Operative part of the judgment

The Court:

1. *Dismisses the action;*
2. *Orders the Hellenic Republic to pay the costs.*

(¹) OJ C 193, 15.8.2009.

Judgment of the General Court of 24 March 2011 — Cybergun v OHIM — Umarex Sportwaffen (AK 47)

(Case T-419/09) (¹)

(Community trade mark — Invalidity proceedings — Community word mark AK 47 — Absolute ground for refusal — Descriptive character — Article 7(1)(c) and Article 52(1)(a) of Regulation (EC) No 207/2009)

(2011/C 145/43)

Language of the case: German

Parties

Applicant: Cybergun SA (Bondoufle, France) (represented by: S. Guyot, lawyer)

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

Other party to the proceedings before the Board of Appeal of OHIM, intervening before the General Court: Umarex Sportwaffen GmbH & Co. KG (Arnsberg, Germany) (represented by: M.-H. Hoffmann, lawyer)

Re:

Action brought against the decision of the First Board of Appeal of OHIM of 5 August 2009 (Case R 1101/2007-1) relating to invalidity proceedings between Umarex Sportwaffen GmbH & Co. KG and Cybergun SA.

Operative part of the judgment

The Court:

1. *Dismisses the action;*
2. *Orders Cybergun SA to pay the costs.*

(¹) OJ C 312, 19.12.2009.

Judgment of the General Court of 24 March 2011 — Cybergun v OHIM — Umarex Sportwaffen (AK 47)

(Case T-503/09) (¹)

(Community trade mark — Invalidity proceedings — Community word mark AK 47 — Absolute ground for refusal — Descriptive character — Article 7(1)(c) and Article 52(1)(a) of Regulation (EC) No 207/2009)

(2011/C 145/44)

Language of the case: French

Parties

Applicant: Cybergun SA (Bondoufle, France) (represented by: S. Guyot, lawyer)