

## GENERAL COURT

**Judgment of the General Court (Seventh Chamber) of 17 January 2012 — Italy v Commission**(Case T-135/07) <sup>(1)</sup>*(Health policy — Avian influenza — Italian market in poultrymeat — Request of the Italian authorities to adopt exceptional measures to support the market — Commission decision rejecting that request)*

(2012/C 58/10)

Language of the case: Italian

**Parties***Applicant:* Italian Republic (represented by: G. Aieelo, G. Palmieri, lawyers, and by M. Moretto, lawyer)*Defendant:* European Commission (represented by: C. Cattabriga, Agent)**Re:**

Application for annulment of the Commission's decision of 7 February 2007 rejecting the request of the Italian authorities to adopt exceptional measures to support the Italian market in poultrymeat within the meaning of Article 14 of Regulation (EEC) No 2777/75 of the Council of 29 October 1975 on the common organisation of the market in poultrymeat (OJ 1975 L 282, p. 77).

**Operative part of the judgment***The Court:*

1. Annuls the Commission's decision of 7 February 2007 rejecting the request of the Italian authorities to adopt exceptional measures to support the Italian market in poultrymeat within the meaning of Article 14 of Regulation (EEC) No 2777/75 of the Council of 29 October 1975 on the common organisation of the market in poultrymeat;
2. Orders the European Commission to pay the costs.

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<sup>(1)</sup> OJ C 140, 23.6.2007.

**Judgment of the General Court (Second Chamber) of 18 January 2012 — Djebel — SGPS v Commission**(Case T-422/07) <sup>(1)</sup>*(State aid — Aid scheme designed to promote modern and competitive entrepreneurial strategies — Planned aid for a commercial company in the form of a soft loan in order to help finance an investment by that company in Brazil — Decision declaring aid to be incompatible with the common market — Obligation to state reasons — Impairment of competition — Effect on trade between Member States — Equal treatment)*

(2012/C 58/11)

Language of the case: Portuguese

**Parties***Applicant:* Djebel — SGPS SA (Funchal, Portugal) (represented by: M. Andrade Neves and S. Castro Caldeira, lawyers)*Defendant:* European Commission (represented by: M. Afonso and B. Martenczuk, Agents)**Re:**

Action for annulment of Commission Decision 2007/582/EC of 10 May 2007 on State aid C 4/2006 (ex N 180/2005) — Portugal — Aid to Djebel (OJ 2007 L 219, p. 30).

**Operative part of the judgment***The Court:*

1. Dismisses the action;
2. Orders Djebel — SGPS, SA to bear its own costs and to pay those of the European Commission.

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<sup>(1)</sup> OJ C 64, 8.3.2008.

**Judgment of the General Court of 18 January 2012 — Tilda Riceland Private v OHIM — Siam Grains (BASMALI)**(Case T-304/09) <sup>(1)</sup>*(Community trade mark — Opposition proceedings — Application for Community figurative mark BASMALI — Earlier non-registered trade mark and earlier sign BASMATI — Relative ground for refusal — Article 8(4) of Regulation (EC) No 40/94 (now Article 8(4) of Regulation (EC) No 207/2009))*

(2012/C 58/12)

Language of the case: English

**Parties***Applicant:* Tilda Riceland Private Ltd (Gurgaon, India) (represented by: S. Malynicz, Barrister, N. Urwin and D. Sills, Solicitors)

*Defendant:* Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM) (represented by: P. Geroulakos, Agent)

*Other party to the proceedings before the Board of Appeal of OHIM, intervening before the General Court:* Siam Grains Co. Ltd (Bangkok, Thailand) (represented by: C. Thomas-Raquin, lawyer)

**Re:**

Action brought against the decision of the First Board of Appeal of OHIM of 19 March 2009 (Case R 513/2008-1) relating to opposition proceedings between Tilda Riceland Private Ltd and Siam Grains Co. Ltd.

**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 19 March 2009 (Case R 513/2008-1);*
2. *Orders OHIM to bear its own costs and to pay two thirds of the costs incurred by Tilda Riceland Private Ltd;*
3. *Orders Siam Grains Co. Ltd to bear its own costs and to pay one third of the costs incurred by Tilda Riceland Private Ltd.*

<sup>(1)</sup> OJ C 244, 10.10.2009.

**Judgment of the General Court of 17 January 2012 — Kitzinger v OHIM — Mitteldeutscher Rundfunk and Zweites Deutsches Fernsehen (KICO)**

(Case T-249/10) <sup>(1)</sup>

*(Community trade mark — Opposition proceedings — Application for the Community figurative mark KICO — Earlier national figurative mark and Community word mark KIKA — Relative ground for refusal — Likelihood of confusion — Article 8(1)(b) of Regulation (EC) No 207/2009)*

(2012/C 58/13)

*Language of the case: German*

**Parties**

*Applicant:* Kitzinger & Co. (GmbH & Co. KG) (Hamburg, Germany) (represented by: S. Kitzinger, lawyer)

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

*Other parties to the proceedings before the Board of Appeal of OHIM, interveners before the General Court:* Mitteldeutscher Rundfunk (Leipzig, Germany) and Zweites Deutsches Fernsehen (Mainz, Germany) (represented by: B. Krause and F. Cordt, lawyers)

**Re:**

Action brought against the decision of the Fourth Board of Appeal of OHIM of 25 March 2010 (Case R 1388/2008-4), relating to opposition proceedings between, on the one hand, Mitteldeutscher Rundfunk and Zweites Deutsches Fernsehen and, on the other hand, Kitzinger & Co. (GmbH & Co. KG)

**Operative part of the judgment**

*The Court:*

1. *dismisses the action;*
2. *orders Kitzinger & Co. (GmbH & Co. KG) to pay the costs.*

<sup>(1)</sup> OJ C 209, 31.7.2010.

**Judgment of the General Court of 17 January 2012 — Hamberger Industrierwerke v OHIM (Atrium)**

(Case T-513/10) <sup>(1)</sup>

*(Community trade mark — Application for the Community word mark Atrium — Absolute ground for refusal — Descriptive character — Lack of distinctive character — Article 7(1)(b) and (c) of Regulation (EC) No 207/2009)*

(2012/C 58/14)

*Language of the case: German*

**Parties**

*Applicant:* Hamberger Industrierwerke GmbH (Stephanskirchen, Germany) (represented by: T. Schmidpeter, lawyer)

*Defendant:* Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by: initially S. Schöffner and R. Manea and subsequently G. Schneider, acting as Agents)

**Re:**

Action brought against the decision of the Fourth Board of Appeal of OHIM of 26 August 2010 (Case R 291/2010-4), concerning an application for registration of the word mark Atrium as a Community trade mark

**Operative part of the judgment**

*The Court:*

1. *dismisses the action;*
2. *orders Hamberger Industrierwerke GmbH to pay the costs.*

<sup>(1)</sup> OJ C 13, 15.1.2011.