

Operative part of the judgment

The Court:

1. annuls the decision of the Fourth Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM) of 18 July 2008 (case R 759/2007-4) in so far as concerns the goods 'mains-operated lights, lighting apparatus and installations, stage effects lighting apparatus; electric lamps; individual parts for the aforesaid goods' in Class 11;
2. orders OHIM to pay the costs.

(¹) OJ C 327, 20.12.2008.

Judgment of the General Court of 18 October 2011 — Gutknecht v Commission

(Case T-561/08) (¹)

(Non-contractual liability — Health policy — Biocidal products — Establishment of a list of active substances on the market — Adoption of regulations by the Commission by virtue of Directive 98/8/EC — Causal link)

(2011/C 347/42)

Language of the case: English

Parties

Applicant: Jürgen Gutknecht (Kirchheimbolanden, Germany) (represented by: K. Van Maldegem and C. Mereu, lawyers)

Defendant: European Commission (represented by: P. Oliver and G. Wilms, acting as Agents)

Re:

ACTION for damages seeking compensation for the loss suffered following the allegedly unlawful adoption by the Commission of various regulations pursuant to Directive 98/8/EC of the European Parliament and of the Council of 16 February 1998 concerning the placing of biocidal products on the market (OJ 1998 L 123, p. 1) or, in the alternative, following the alleged failure by the Commission to adopt the measures necessary to ensure the right to protection of information supplied under that directive.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Mr Jürgen Gutknecht to bear his own costs and to pay those of the European Commission.

(¹) OJ C 55, 7.3.2009.

Judgment of the General Court of 13 October 2011 — NEC Display Solutions Europe GmbH v OHIM — Nokia (NaViKey)

(Case T-393/09) (¹)

(Community trade mark — Opposition proceedings — Application for Community word mark NaViKey — Earlier Community word mark NAVI — Relative ground for refusal — Likelihood of confusion — Article 8(1)(b) of Regulation (EC) No 207/2009 — Breach of the duty to state reasons — Article 75 of Regulation No 207/2009)

(2011/C 347/43)

Language of the case: English

Parties

Applicant: NEC Display Solutions Europe GmbH (Munich, Germany) (represented by: P. Munzinger, lawyer)

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

Other party to the proceedings before the Board of Appeal of OHIM: Nokia Corp. (Espoo, Finland) (represented by J. Tanhuanpää, lawyer)

Re:

Action brought against the decision of the Second Board of Appeal of OHIM of 16 June 2009 (Case R 1143/2008-2), relating to opposition proceedings between Nokia Corp. and NEC Display Solutions Europe GmbH.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders NEC Display Solutions Europe GmbH to pay the costs.

(¹) OJ C 297, 5.12.2009.

Judgment of the General Court of 18 October 2011 — Purvis v Parliament

(Case T-439/09) (¹)

(Rules governing the payment of expenses and allowances to Members of the European Parliament — Additional pension scheme — Refusal to grant a voluntary additional pension in part in the form of a lump sum — Plea of illegality — Acquired rights — Legitimate expectations — Proportionality)

(2011/C 347/44)

Language of the case: French

Parties

Applicant: John Robert Purvis (Saint Andrews, United Kingdom) (represented by: S. Orlandi, A. Coolen, J.-N. Louis and É. Marchal, lawyers)

Defendant: European Parliament (represented by: initially, H. Krück, A. Pospíšilová Padowska and G. Corstens and subsequently, N. Lorenz, A. Pospíšilová Padowska and G. Corstens, acting as Agents)

Re:

Application for annulment of the European Parliament's decision of 7 August 2009, which refused to grant the applicant his voluntary additional pension in part in the form of a lump sum

Operative part of the judgment

The Court:

1. *dismisses the action;*
2. *orders John Robert Purvis to pay the costs.*

⁽¹⁾ OJ C 11, 16.1.2010.

Judgment of the General Court of 18 October 2011 — Reisenthel v OHIM — Dynamic Promotion (Hampers, crates and baskets)

(Case T-53/10) ⁽¹⁾

(Community design — Invalidity proceedings — Rejection of the application for a declaration of invalidity by the Invalidity Division — Notification of the Invalidity Division's decision by fax — Appeal before the Board of Appeal — Written statement setting out the grounds of appeal — Period for submission — Admissibility of the appeal — Article 57 of Regulation (EC) No 6/2002 — Correction of a decision — Article 39 of Regulation (EC) No 2245/2002 — General principle of law authorising the withdrawal of an unlawful decision)

(2011/C 347/45)

Language of the case: German

Parties

Applicant: Peter Reisenthel (Gilching, Germany) (represented by: E.A. Busse, lawyer)

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

Other party to the proceedings before the Board of Appeal of OHIM: Dynamic Promotion Co. Ltd (Bangkok, Thailand)

Re:

ACTION brought against the decision of the Third Board of Appeal of OHIM of 6 November 2009, as corrected by the decision of 10 December 2009 (Case R 621/2009-3), and against the decision of the Third Board of Appeal of OHIM of 22 March 2010 (Case R 621/2009-3), concerning invalidity proceedings between Peter Reisenthel and Dynamic Promotion Co. Ltd.

Operative part of the judgment

The Court:

1. *Annuls the decision of the Third Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs)*

(OHIM) of 22 March 2010 (Case R 621/2009-3) insofar as it concerns Peter Reisenthel's request for correction of 23 December 2009;

2. *Dismisses the action as to the remainder;*
3. *Orders each party to bear its own costs.*

⁽¹⁾ OJ C 100, 17.4.2010.

Judgment of the General Court of 11 October 2011 — Chestnut Medical Technologies v OHIM (PIPELINE)

(Case T-87/10) ⁽¹⁾

(Community trade mark — Application for registration of the Community word mark PIPELINE — Absolute ground for refusal — Descriptive character — Article 7(1)(c) of Regulation (EC) No 207/2009 — Obligation to state the reasons on which the decision is based — Article 75 of Regulation No 207/2009)

(2011/C 347/46)

Language of the case: English

Parties

Applicant: Chestnut Medical Technologies, Inc. (Menlo Park, California, United States) (represented by: H.P. Kunz-Hallstein and R. Kunz-Hallstein, lawyers)

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

Re:

Action brought against the decision of the Second Board of Appeal of OHIM of 10 December 2009 (Case R 968/2009-2) concerning an application for registration of the word mark PIPELINE as a Community trade mark

Operative part of the judgment

The General Court:

1. *Dismisses the action;*
2. *Orders Chestnut Medical Technologies, Inc. to pay the costs.*

⁽¹⁾ OJ C 100, 17.4.2010.

Judgment of the General Court of 24 October 2011 — P v Parliament

(Case T-213/10) ⁽¹⁾

(Appeal — Civil Service — Temporary staff — Dismissal — Breakdown of trust — Statement of reasons — Distortion of the evidence)

(2011/C 347/47)

Language of the case: French

Parties

Appellant: P (Brussels, Belgium) (represented by: É. Boigelot, lawyer)