

Judgment of the General Court of 9 June 2010 — Muñoz Arraiza v OHIM — Consejo Regulador de la Denominación de Origen Calificada Rioja (RIOJAVINA)

(Case T-138/09) ⁽¹⁾

(Community trade mark — Opposition proceedings — Application for Community word mark RIOJAVINA — Earlier Community collective figurative mark RIOJA — Relative ground for refusal — Article 8(1)(b) of Regulation (EC) No 40/94 (now Article 8(1)(b) of Regulation (EC) No 207/2009)

(2010/C 209/57)

Language of the case: Spanish

Parties

Applicant: Félix Muñoz Arraiza (Logroño, Spain) (represented by: J. Grimau Muñoz and J. Villamor Muguerza, lawyers)

Defendant: Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM) (represented by: J.F. Crespo Carrillo, Agent)

Other party to the proceedings before the Board of Appeal of OHIM, intervener before the Court: Consejo Regulador de la Denominación de Origen Calificada Rioja (Logroño) (represented by: J.I. Martínez De Torre, lawyer)

Re:

Action brought against the decision of the Second Board of Appeal of OHIM of 29 January 2009 (Case R 721/2008-2) concerning opposition proceedings between the Consejo Regulador de la Denominación de Origen Calificada Rioja and Félix Muñoz Arraiza.

Operative part of the judgment

The Court:

1. Dismisses the application;
2. Orders Félix Muñoz Arraiza to pay the costs.

⁽¹⁾ OJ C 153, 4.7.2009.

Order of the General Court of 9 June 2010 — Hoelzer v OHIM (SAFELOAD)

(Case T-315/09) ⁽¹⁾

(Community trade mark — Application for the figurative Community trade mark SAFELOAD — Absolute ground for refusal — Descriptive character — Article 7(1)(c) of Regulation (EC) No 207/2009)

(2010/C 209/58)

Language of the case: German

Parties

Applicant: Oliver Hoelzer (Remscheid, Germany) (represented by: Rother, J. Vogtmeier, P. Mes, C. Graf von der Groeben, J. Bühling, A. Verhauwen, J. M. Künzel, D. Jestaedt and M. Bergermann, lawyers)

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

Re:

Action brought against the decision of the Fourth Board of Appeal of OHIM of 3 June (Case R 1157/2008-4), concerning an application for registration of the figurative sign SAFELOAD as a Community trade mark

Operative part of the order

The Court:

1. Dismisses the application;
2. Orders Hoelzer to pay the costs.

⁽¹⁾ OJ C 267 of 7.11.2009

Order of the General Court of 3 June 2010 — Z v Commission

(Case T-173/09) ⁽¹⁾

(Access to documents — Inadmissibility — Injunction)

(2010/C 209/59)

Language of the case: German

Parties

Applicant: Z (Hannoversch Münden, Germany) (represented by: C. Grau and N. Jäger, lawyers)

Defendant: European Commission (represented by: A. Bouquet, V. Bottka and R. Sauer, agents)

Re:

Require the Commission, first, to indicate to the applicant, by granting it access the file of the procedure in Case COMP/39.406 (Tuyaux marins) and in particular by making available a copy of Commission's decision of 28 January 2009 imposing a fine, if the applicant is mentioned by name in that decision and, if so, to state the context in which its name is mentioned, second, to remove, in a manner to be specified after the granting of access to the file, the mention of its name in the Commission's decision of 28 January 2009 and, third, not to mention it by name and refrain from making any reference to its name in the non-confidential version of the decision of 28 January 2009.

Operative part of the order

The Court:

1. *Dismissed the action as inadmissible.*
2. *Orders Z to pay the costs, including those of the application for interim measures*

⁽¹⁾ OJ C 167, 18.7.2009.

**Order of the President of the General Court of 9 June 2010
— COLT Télécommunications France v Commission**

(Case T-79/10 R)

(Application for interim measures — State aid — Operation of a very-high-speed broadband electronic communications network — Compensation for public service costs — Decision finding that the notified measure does not constitute aid — Application for suspension of operation of a measure — Lack of urgency)

(2010/C 209/60)

Language of the case: French

Parties

Applicant: COLT Télécommunications France SAS (Paris, France) (represented by: M. Debroux, lawyer)

Defendant: Commission (represented by B. Stromsky and C. Urraca Caviedes, acting as Agents)

Re:

Application for suspension of operation of Commission Decision C(2009) 7426 final of 30 September 2009 on a plan to grant compensation for public service costs of EUR 59 million for the establishment and operation of a very-high-speed broadband electronic communications network in the department of Hauts-de-Seine (France).

Operative part of the order

1. *The application for interim measures is dismissed.*
2. *Costs are reserved.*

**Action brought on 7 April 2010 — Samskip Multimodal
Container Logistics v Commission**

(Case T-166/10)

(2010/C 209/61)

Language of the case: English

Parties

Applicant: Samskip Multimodal Container Logistics BV ('s-Gravenzande, Netherlands) (represented by: K. Platteau, Y. Maasdam and P. Broers, lawyers)

Defendant: European Commission

Form of order sought

— annul Commission Decision C(2010) 580 of 27 January 2010 on the financial assistance for proposals for actions submitted in the 2009 selection procedure in the European Union programme granting the Community financial assistance to improve the environmental performance of the freight transport system (Marco Polo II) ⁽¹⁾, in so far as it selects Proposal No TREN/B4/SUB/01-2009 MP-II/6, the G2G@2XL project, for funding amounting to EUR 2 190 539;

— order the Commission to pay the costs of the procedure pursuant to Article 87(2) of the Rules of Procedure.