

Order of the General Court of 25 February 2010 — Google v OHIM (ANDROID)

(Case T-316/09) ⁽¹⁾

(Community trade mark — Refusal of registration — Restriction of the list of goods for which registration is sought — Withdrawal of the objection to registration — No need to adjudicate)

(2010/C 113/74)

Language of the case: English

Parties

Applicant: Google, Inc. (Mountain View, United States) (represented by: A. Bognár and M. Kinkeldey, lawyers)

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

Re:

Action brought against the decision of the Second Board of Appeal of OHIM of 26 May 2009 (Case R 1622/2008-2) concerning an application for registration of the word mark ANDROID as a Community trade mark.

Operative part of the judgment

The Court:

1. *There is no further need to adjudicate on the action.*
2. *The applicant and the defendant shall bear their own costs.*

⁽¹⁾ OJ C 244, 10.10.2009.

Order of the General Court of 4 March 2010 — Henkel v OHIM — JLO Holding (LIVE)

(Case T-414/09) ⁽¹⁾

(Community trade marks — Application for revocation — Withdrawal of the application for revocation — No need to adjudicate)

(2010/C 113/75)

Language of the case: German

Parties

Applicant: Henkel AG & Co. KGaA (Düsseldorf, Germany) (represented by: C. Milbradt, subsequently by C. Milbradt and H. Van Volxem, lawyers)

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

Other party to the proceedings before the Board of Appeal of OHIM intervening before the General Court: JLO Holding Company LLC (Santa Monica, United States) (represented by: A. Klett, lawyer)

Re:

Action brought against the decision of the First Board of Appeal of OHIM of 30 July 2009 (Case R 609/2008-1) relating to an application for revocation involving Henkel AG & Co. KGaA and JLO Holding Company, LLC.

Operative part of the order

1. *There is no further need to adjudicate on the action.*
2. *The parties shall each bear their own costs.*

⁽¹⁾ OJ C 312, 19.12.2009.

Order of the President of the General Court of 15 March 2010 — GL2006 Europe v Commission and OLAF

(Case T-435/09 R)

(Application for interim measures — Community programmes for research and technological development — Arbitration clause — Order for recovery — Debit note — Application for suspension of operation of a measure — Financial loss — No exceptional circumstances — No urgency)

(2010/C 113/76)

Language of the case: English

Parties

Applicant: GL2006 Europe Ltd (Birmingham, United Kingdom) (represented by: M. Gardenal and E. Belinguier-Raiz, lawyers)

Defendant: European Commission (represented by: S. Delaude and N. Bambara, acting as Agents, and R. Van der Hout, lawyer)

No 14/2005, No 492/2007, and No 1190/2005 insofar as they are of direct and individual concern to the applicants; and

Re:

Application for suspension of the operation of the decision contained in the Commission's letter of 10 July 2009 terminating the applicant's participation in two Community projects and the debit notes issued on 7 August 2009 by which the Commission claimed repayment of sums paid pursuant to Community projects in which the applicant participated

— order the Council and/or the Commission to pay the applicants' costs.

Operative part of the order

1. *The European Commission shall be regarded as the sole defendant.*
2. *The application for interim measures is dismissed.*
3. *The costs are reserved.*

Pleas in law and main arguments

By means of its application, the applicants seek, pursuant to Article 230 EC, the annulment of Council Regulation No 881/2002 imposing certain specific restrictive measures directed against certain persons and entities associated with Usama bin Laden, the Al-Qaida network and Taliban, as amended by the Commission Regulations (EC) No 14/2005 of 5 January 2005, No 492/2007 of 3 May 2007, and 1190/2005 of 20 July 2005 and/or the annulment of Commission Regulations (BC) No 14/2005, No 492/2007, and 1190/2005, insofar as they relate to the applicants.

Action brought on 14 August 2009 — Al-Faqih and MIRA v Council and Commission

(Case T-322/09)

(2010/C 113/77)

Language of the case: English

Parties

Applicants: Saad Al-Faqih and Movement for Islamic Reform in Arabia (London, United Kingdom), (represented by: J. Jones, Barrister and A. Raja, Solicitor)

In support of their action, the applicants rely on the following pleas in law:

Defendants: Council of the European Union and European Commission

Form of order sought

— annul in whole or in part Council Regulation (EC) No 881/2002 ⁽¹⁾, as amended by the Commission Regulation (EC) No 14/2005 ⁽²⁾, No 492/2007 ⁽³⁾, and No 1190/2005 ⁽⁴⁾, and/or annul the Commission Regulation

The applicants argue that the freezing of their funds provided by the contested regulations infringes their fundamental human rights, namely their right to be heard and the right to effective judicial review, as they have never been informed by the Council and/or the Commission of the reasons for their inclusion in Annex I to the Council Regulation (EC) No 881/2002 and have never received any evidence justifying the imposition of restrictive measures. The applicants therefore have not had any opportunity to defend themselves and challenge the listing decisions before the European judiciary.