

Order of the Court (Fifth Chamber) of 16 May 2011 — X Technology Swiss GmbH v Office for Harmonisation in the Internal Market (Trade Marks and Designs)

(Case C-429/10 P) ⁽¹⁾

(Appeals — Community trade mark — Sign consisting of the partial colouring of a product — Orange colouring of the toe of a sock — Absolute ground for refusal — Absence of distinctive character — Regulation (EC) No 40/94 — Article 7(1)(b))

(2011/C 252/20)

Language of the case: German

Parties

Appellant: X Technology Swiss GmbH (represented by: A. Herbertz and R. Jung, Rechtsanwälte)

Other party to the proceedings: Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by: G. Schneider, acting as Agent)

Re:

Appeal against the judgment of the General Court (Second Chamber) of 15 June 2010 in Case T-547/08 *X Technology Swiss v OHIM*, by which the General Court dismissed the action brought against the decision of the Fourth Board of Appeal of OHIM of 6 October 2008 dismissing the appeal against the examiner's decision, which refused registration of the sign consisting of the orange colouring of the toe of a sock as a Community trade mark for goods in Class 25 — Distinctive character of a sign consisting of the partial colouring of a product

Operative part of the order

1. The appeal is dismissed.
2. X Technology Swiss GmbH is ordered to pay the costs.

⁽¹⁾ OJ C 301, 6.11.2010.

Order of the Court of 31 March 2011 — Volker Mauerhofer v European Commission

(Case C-433/10 P) ⁽¹⁾

(Appeal — Project supported by the European Union in Bosnia and Herzegovina — Contracts concluded between the Commission and a consortium and between the consortium and experts — Commission's administrative order amending its contract with the consortium — Action for annulment of that administrative order brought by one of the experts — Admissibility — Action for damages — Non contractual liability of the Union — Causal link between the Commission's administrative order and the damage allegedly suffered by that expert)

(2011/C 252/21)

Language of the case: English

Parties

Appellant: Volker Mauerhofer (represented by: J. Schartmüller, Rechtsanwalt)

Other party to the proceedings: European Commission (represented by: S. Boelaert, Agent)

Re:

Appeal brought against the order of the General Court (Third Chamber) of 29 June 2010 in Case T-515/08 *Volker Mauerhofer v European Commission* by which the Court dismissed an action for annulment of the Commission's decision of 9 September 2008 reducing the number of paid days' work allocated to the applicant to perform tasks resulting from a contract for an expert's report (Contract No MC/5043/025/001/2008 — 'Value Chain Mapping Analysis') concluded with the undertaking responsible for a project carried out in Bosnia and Herzegovina in performance of the framework contract 'EuropeAid/123314/C/SER/multi — Lot No 5 — Evaluations and presentations in the field of trade, businesses and regional economic integration' — No challengeable act

Operative part of the order

1. The appeal is dismissed.
2. Mr Mauerhofer shall pay the costs.

⁽¹⁾ OJ C 301, 6.11.2010.

Order of the Court of 24 June 2011 (reference for a preliminary ruling from the Unabhängiger Verwaltungssenat des Landes Vorarlberg (Austria)) — proceedings brought by projektart Errichtungsgesellschaft mbH, Eva Maria Pepic, Herbert Hilbe

(Case C-476/10) ⁽¹⁾

(First subparagraph of Article 104(3) of the Rules of Procedure — Free movement of capital — Article 40 of and Annex XII to the EEA Agreement — Purchase by nationals of the Principality of Liechtenstein of a secondary residence in the Land of Vorarlberg (Austria) — Procedure of prior authorisation — Admissibility)

(2011/C 252/22)

Language of the case: German

Referring court

Unabhängiger Verwaltungssenat des Landes Vorarlberg (Austria)

Parties to the main proceedings

projektart Errichtungsgesellschaft mbH, Eva Maria Pepic, Herbert Hilbe

Re:

Reference for a preliminary ruling — Unabhängiger Verwaltungssenat des Landes Vorarlberg — Interpretation of Article 6(4) of Council Directive 88/361/EEC of 24 June 1988 for the implementation of Article 67 of the Treaty (OJ 1988 L 178, p. 5) — Purchase of a secondary residence, situated in a Member State of the European Union, by nationals of a non-Member State, party to the European Economic Area Agreement (Liechtenstein) — National rules of that Member State making such purchases subject to an authorisation procedure