

Defendant: European Commission (represented by: L. Flynn, M. Konstantinidis and C. Urraca Caviedes, Agents)

Intervener in support of the defendant: Trapeza Peiraios AE (Athens, Greece) (represented by S. Pappas, I. Ktenidis and C. Apalagaki, lawyers)

Re:

Application for annulment of Article 16 of Commission Decision 2009/610/EC of 2 July 2008 on the measures C 16/04 (ex NN 29/04, CP 71/02 and CP 133/05) implemented by Greece in favour of Hellenic Shipyards SA (OJ 2009 L 225, p. 104).

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Elliniki Nafpigokataskevastiki AE Chartofylakeiou, Howaldtswerke-Deutsche Werft GmbH and ThyssenKrupp Marine Systems AG to bear their own costs and to pay those incurred by the European Commission and by Trapeza Peiraios AE.

(¹) OJ C 301, 22.11.2008.

**Judgment of the General Court of 8 November 2011 —
Idromacchine and Others v Commission**

(Case T-88/09) (¹)

(Non-contractual liability — State aid — Commission decision to initiate a formal investigation procedure — Information detrimental to a third-party company — Sufficiently serious breach of a rule of law conferring rights on individuals — Obligation of professional secrecy — Non-material damage — Material damage — Causal link — Default and compensatory interest)

(2011/C 370/37)

Language of the case: Italian

Parties

Applicants: Idromacchine Srl (Porto Marghera, Italy); Alessandro Capuzzo (Mirano, Italy); and Roberto Capuzzo (Mogliano Veneto, Italy) (represented by: W. Viscardini and G. Donà, lawyers)

Defendant: European Commission (represented by: D. Grespan and E. Righini, acting as Agents, assisted by F. Ruggeri Laderchi, lawyer)

Re:

Action for damages for the loss allegedly suffered on account of the publication in the *Official Journal of the European Union* of false information adversely affecting inter alia the image and reputation of Idromacchine in Commission Decision C(2002) 5426 final of 30 December 2004 ‘State aid — Italy — State aid

N 586/2003, N 587/2003, N 589/2003 and C 48/2004 (ex N 595/2003) — Extension of the 3-year delivery limit for a chemical tanker — Invitation to submit comments pursuant to Article 88(2) [EC]’

Operative part of the judgment

The Court:

1. Orders the European Commission to pay Idromacchine Srl damages of EUR 20 000 in respect of the non-material damage it has suffered;
2. Orders that the damages to be paid to Idromacchine be paid with compensatory interest, as from 18 February 2005 to the delivery of the present judgment, at the rate set by the European Central Bank (ECB) for main refinancing operations, increased by two percentage points;
3. Orders that the damages to be paid to Idromacchine be paid with default interest, as from the delivery of the present judgment to complete payment of those damages, at the rate set by the European Central Bank (ECB) for main refinancing operations, increased by two percentage points;
4. Dismisses the action as to the remainder;
5. Orders the Commission to bear its own costs and two thirds of the costs incurred by Idromacchine, Mr Alessandro Capuzzo and Mr Roberto Capuzzo, who are to bear a third of their own costs.

(¹) OJ C 102, 1.5.2009.

**Judgment of the General Court of 10 November 2011 —
Esprit International v OHIM — Marc O’Polo International
(Representation of a letter on a pocket)**

(Case T-22/10) (¹)

(Community trade mark — Opposition proceedings — Application for the Community figurative mark consisting of the representation of a letter on a pocket — Earlier national figurative mark representing a letter — Relative ground for refusal — Likelihood of confusion — Article 8(1)(b) of Regulation (EC) No 207/2009)

(2011/C 370/38)

Language of the case: German

Parties

Applicant: Esprit International LP (New York, New York, United States) (represented by: M. Treis and E.-M. Strobel, lawyers)

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

Other party to the proceedings before the Board of Appeal of OHIM, intervener before the General Court: Marc O’Polo International GmbH (Stephanskirchen, Germany) (represented by: A. Gaul, V. Spitz, T. Golda and S. Kirschstein-Freund, lawyers)

Re:

Action brought against the decision of the Fourth Board of Appeal of OHIM of 19 November 2009 (Case R 1666/2008-4), relating to opposition proceedings between Marc O'Polo International GmbH and Esprit International LP.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Esprit International LP to pay the costs.

(¹) OJ C 100, 17.4.2010.

Judgment of the General Court of 10 November 2011 — Ben Ri Electrónica v OHMI — Sacopa (LT LIGHT-THECNO)

(Case T-143/10) (¹)

(Community trade mark — Opposition proceedings — Application for Community figurative mark LT LIGHT-THECNO — Earlier Community figurative mark LT — Relative ground for refusal — Similarity of the signs — Article 8(1)(b) of Regulation (EC) No 207/2009)

(2011/C 370/39)

Language of the case: Spanish

Parties

Applicant: Ben Ri Electrónica, SA (Madrid, Spain) (represented by: A.I. Alejos Cutuli, lawyer)

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

Other party to the proceedings before the Board of Appeal of OHIM: Sacopa, SAU (Sant Jaume de Llierca, Spain)

Re:

Action brought against the decision of the Fourth Board of Appeal of OHIM of 3 February 2010 (Case R 1625/2008-4), relating to opposition proceedings between Ben Ri Electrónica, SA and Sacopa, SA.

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 3 February 2010 (Case R 1625/2008-4);
2. Dismisses the action as to the remainder;

3. Orders OHIM to bear its own costs and to pay those incurred by Ben-Ri Electrónica, SA.

(¹) OJ C 134, 22.5.2010.

Judgment of the General Court of 10 November 2011 — Three-N-Products Private v OHIM — Shah (AYUURI NATURAL)

(Case T-313/10) (¹)

(Community trade mark — Opposition proceedings — Application for Community word mark AYUURI NATURAL — Earlier Community word and figurative marks AYUR — Relative ground for refusal — Likelihood of confusion — Similarity of the signs — Article 8(1)(b) of Regulation (EC) No 207/2009)

(2011/C 370/40)

Language of the case: English

Parties

Applicant: Three-N-Products Private Ltd (New Delhi, India) (represented by: C. Jäger, lawyer)

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

Other parties to the proceedings before the Board of Appeal of OHIM intervening before the General Court: Sheilesh Shah (Wembley, United Kingdom); and Akhil Shah (Wembley) (represented by: M. Chapple, Barrister)

Re:

Action brought against the decision of the Fourth Board of Appeal of OHIM of 1 June 2010 (case R 1005/2009-4), relating to opposition proceedings between (i) Three-N-Products Private Ltd and (ii) S. Shah, A. Shah and Mr M. Shah.

Operative part of the order

1. Annuls the decision of the Fourth Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) of 1 June 2010 (case R 1005/2009-4);
2. Orders OHIM to pay its own costs and those of Three-N-Products Private Ltd;
3. Orders Sheilesh Shah and Akhil Shah to bear their own costs and the costs necessarily incurred by Three-N-Products Private Ltd for the purposes of the proceedings before the Fourth Board of Appeal.

(¹) OJ C 260, 25.9.2010.