

Operative part of the judgment

The Court:

1. Sets aside the judgment of the Civil Service Tribunal of the European Union (Second Chamber) of 4 June 2009 in Joined Cases F-134/07 and F-8/08 *Adjemian and Others v Commission* in so far as it found that there was no need to adjudicate on the claims made by the applicants in Case F-134/07 whose names appear in annex against the decision rejecting their complaints;
2. Dismisses the appeal as to the remainder;
3. The action brought by the applicants in Case F-134/07 whose names appear in annex is dismissed to the extent that that action seeks the annulment of the decisions rejecting their complaints.
4. Orders Vahan Adjemian and the 175 agents and former agents of the European Commission whose names appear in annex to bear their own costs and to pay those incurred by the Commission and the Council of the European Union in these proceedings.

⁽¹⁾ OJ C 256, 24.10.2009.

Judgment of the General Court of 22 September 2011 — Italy v Commission

(Case T-500/09) ⁽¹⁾

(EAGGF — Guarantee Section — Expenditure excluded from Community financing — Aid for the processing of citrus fruit — Effectiveness of the checks — Proportionality)

(2011/C 319/33)

Language of the case: Italian

Parties

Applicant: Italian Republic (represented by: L. Ventrella and G. Palmieri, lawyers)

Defendant: European Commission (represented by: P. Rossi, Agent)

Re:

Application for annulment of Commission Decision 2009/721/EC of 24 September 2009 excluding from Community financing certain expenditure incurred by the Member States under the Guarantee Section of the European Agricultural Guidance and Guarantee Fund (EAGGF), under the European Agricultural Guarantee Fund (EAGF) and under the European Agricultural Fund for Rural Development (EAFRD) (OJ 2009 L 257, p. 28), in so far as it excludes certain expenditure incurred by the Italian Republic in the sector of citrus-fruit processing.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders the Italian Republic to pay the costs.

⁽¹⁾ OJ C 37, 13.2.2010.

Judgment of the General Court of 22 September 2011 — Kingdom of Spain v European Commission

(Case T-67/10) ⁽¹⁾

(EAGGF — Guidance Section — Reduction of financial assistance — Financial assistance awarded to an operational programme for the improvement of the processing and marketing of agricultural products — Effectiveness of checks — Proportionality)

(2011/C 319/34)

Language of the case: Spanish

Parties

Applicant: Kingdom of Spain (represented by: M. Muñoz Pérez, abogado del Estado)

Defendant: European Commission (represented by: F. Jimeno Fernández and G. von Rintelen, Agents)

Re:

Application for annulment of Commission Decision C(2009) 9827 of 10 December 2009 applying financial corrections to the EAGGF assistance, Guidance Section, awarded to the operational programme CCI 2000.ES.16.1.PO.007 (Spain, Castilla y León) in relation to the measure improving processing and marketing of agricultural products.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders the Kingdom of Spain to pay the costs.

⁽¹⁾ OJ C 100, 17.4.2010.

Judgment of the General Court of 20 September 2011 — Meica v OHIM — TofuTown.com (TOFUKING)

(Case T-99/10) ⁽¹⁾

(Community trade mark — Opposition procedure — Application for the Community trade mark TOFUKING — Earlier national word mark King — Earlier national and Community word marks Curry King — Relative ground for refusal — Likelihood of confusion — Article 8(1)(b) of Regulation (EC) No 207/2009)

(2011/C 319/35)

Language of the case: German

Parties

Applicant: Meica Ammerländische Fleischwarenfabrik Fritz Meinen GmbH & Co KG (Edeweicht, Germany) (represented by: S. Russlies, lawyer)

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

Other party to the proceedings before the Board of Appeal of OHIM: TofuTown.com GmbH (Wiesbaum, Germany) (represented by: B. Krause and F. Cordt, lawyers)

Re:

Action brought against the decision of the Fourth Board of Appeal of OHIM of 7 January 2010 (Case R 63/2009-4) concerning opposition proceedings between Meica Ammerländische Fleischwarenfabrik Fritz Meinen GmbH & Co KG and TofuTown.com GmbH.

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 7 January 2010 (Case R 63/2009-4);
2. Orders OHIM to bear its own costs and those incurred by Meica Ammerländische Fleischwarenfabrik Fritz Meinen GmbH & Co KG;
3. Orders TofuTown.com GmbH to bear its own costs.

(¹) OJ C 113, 1.5.2010.

Judgment of the General Court of 22 September 2011 — ara v OHIM — Allrounder (A with two rectangular motifs)

(Case T-174/10) (¹)

(Community trade mark — Opposition procedure — International registration covering the European Community — Figurative mark A with two triangular motifs — Earlier national word mark A — Relative ground for refusal — No likelihood of confusion — Article 8(1)(b) of Regulation (EC) No 207/2009)

(2011/C 319/36)

Language of the case: French

Parties

Applicant: ara AG (Langenfeld, Germany) (represented initially by M. Gial, then by M. Gial and H. Pernez, lawyers)

Defendant: Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by: A. Folliard-Monguiral, agent)

Other party to the proceedings before the Board of Appeal of OHIM, intervener before the General Court: Allrounder SARL (Sarrebourg, France) (represented by: N. Boespflug, lawyer)

Re:

Action brought against the decision of the First Board of Appeal of OHIM of 26 January 2010 (Case R 481/2009-1) concerning opposition proceedings between ara AG and Allrounder SARL.

Operative part of the judgment

The Court:

1. Dismisses the action;

2. Orders ara AG to pay the costs.

(¹) OJ C 179, 3.7.2010.

Judgment of the General Court of 20 September 2011 — Couture Tech v OHIM (Representation of the Soviet coat of arms)

(Case T-232/10) (¹)

(Community trade mark — Application for a Community figurative mark representing the Soviet coat of arms — Absolute ground for refusal — Whether contrary to public policy or accepted principles of morality — Article 7(1)(f) of Regulation (EC) No 207/2009)

(2011/C 319/37)

Language of the case: English

Parties

Applicant: Couture Tech Ltd (Tortola, British Virgin Islands) (represented by: B. Whyatt, Barrister)

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

Re:

Action brought against the decision of the Second Board of Appeal of OHIM of 5 March 2010 (Case R 1509/2008-2) concerning an application for registration of a figurative sign representing the Soviet coat of arms as a Community trade mark.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Couture Tech Ltd to pay the costs.

(¹) OJ C 195, 17.7.2010.

Judgment of the General Court of 21 September 2011 — Nike International v OHIM (DYNAMIC SUPPORT)

(Case T-512/10) (¹)

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

(2011/C 319/38)

Language of the case: English

Parties

Applicant: Nike International Ltd (Beaverton, Oregon, United States of America) (represented by: M. de Justo Bailey, lawyer)

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