

Re:

Application for annulment of Article 1(1) of Commission Decision 2011/5/EC of 28 October 2009 on the tax amortisation of financial goodwill for foreign shareholding acquisitions C 45/07 (ex NN 51/07, ex CP 9/07) implemented by Spain (OJ 2011 L 7, p. 48).

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Iberdrola, SA to pay the costs.

(¹) OJ C 179, 3.7.2010.

Judgment of the General Court of 6 March 2012 — Spain v Commission

(Case T-230/10) (¹)

(EAGGF — Guarantee Section — Expenditure excluded from financing — Fruit and vegetables — Obligation to justify expenditure — Conditions for recognition of producer organisations)

(2012/C 118/40)

Language of the case: Spanish

Parties

Applicant: Kingdom of Spain (represented initially by M. Muñoz Pérez and A. Rubio González, and subsequently by Rubio González, lawyers)

Defendant: European Commission (represented by: F. Jimeno Fernández, Agent)

Re:

Application for partial annulment of Commission Decision 2010/152/EU of 11 March 2010 excluding from European Union 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 2010 L 63, p. 7), in so far as it excludes certain expenditure incurred by the Kingdom of Spain in the fruit and vegetables sector.

Operative part of the judgment

The Court:

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

(¹) OJ C 209, 31.7.2010.

Judgment of the General Court of 8 March 2012 — Arrieta D. Gross v OHIM — International Biocentric Foundation and Others (BIODANZA)

(Case T-298/10) (¹)

(Community trade mark — Opposition proceedings — Application for the Community figurative mark BIODANZA — Earlier national word mark BIODANZA — Relative ground for refusal — Likelihood of confusion — Article 8(1)(b) of Regulation (EC) No 207/2009 — Death of the trade mark applicant before adoption of the decision of the Board of Appeal — Admissibility of the response — Absence of genuine use of the earlier trade mark — Article 42(2) and (3) of Regulation No 207/2009 — Proceedings before the Board of Appeal — Rights of defence — Article 75 of Regulation No 207/2009)

(2012/C 118/41)

Language of the case: English

Parties

Applicant: Christina Arrieta D. Gross (Hamburg, Germany) (represented by: J.-P. Ewert, lawyer)

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: Rolando Mario Toro Araneda (Santiago de Chile, Chile)

Re:

Action brought against the decision of the Second Board of Appeal of OHIM of 13 April 2010 (Case R 1149/2009-2), relating to opposition proceedings between Christina Arrieta D. Gross and Rolando Mario Toro Araneda.

Operative part of the judgment

The Court:

1. Grants leave to the International Biocentric Foundation Ltd, Gabriela Cedia Toro Acuña and Hilda Pilar Toro Acuña, Rolando Patricio Toro Acuña, Maria Verónica Toro Acuña, Ricardo Marcela Toro Durán and German Toro Gonzalez, Claudia Danae Toro Sanchez, Rodrigo Paulo Toro Sanchez, Mariela Paula Toro Sanchez, Viviana Luz Toro Matuk, Morgana Fonteles Toro, Anna Laura Toro Sant'ana, Joana Castoldi Toro Araneda and Claudete Sant'ana to intervene before the General Court;
2. Dismisses the action;
3. Orders Christina Arrieta D. Gross to pay the costs.

(¹) OJ C 260, 25.9.2010.