

**Judgment of the General Court of 29 March 2012 —
Portugal v Commission**

(Case T-111/10) ⁽¹⁾

(ERDF — Reduction of financial assistance — Operational Programme seeking modernisation of the economic fabric in Portugal — Absence of precise and verifiable binding objectives — Legitimate expectations)

(2012/C 138/28)

Language of the case: Portuguese

Parties

Applicant: Portuguese Republic (represented by: L. Inez Fernandes, Agent, and by N. Mimoso Ruiz, P. Moura Pinheiro and J. Silva Martins, lawyers)

Defendant: European Commission (represented by: initially A. Steiblytė and G. Braga da Cruz and subsequently A. Steiblytė and P. Guerra e Andrade, Agents)

Re:

Application for annulment of Commission Decision C(2009) 10624 of 21 December 2009 reducing the assistance of the European Regional Development Fund (ERDF) granted to Portugal in respect of the Operational Programme 'Modernisation of the economic fabric', CCI: 1994 PT 16 1 PO 004 (ex ERDF ref. 94.12.09.004) by Commission Decision C (94)464/3 of 4 March 1994 authorising financial assistance from the ERDF.

Operative part of the judgment

The Court:

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

⁽¹⁾ OJ C 113, 1.5.2010.

Judgment of the General Court of 28 March 2012 — Egan and Hackett v Parliament

(Case T-190/10) ⁽¹⁾

(Access to documents — Regulation (EC) No 1049/2001 — Registers of assistants to former members of the European Parliament — Refusal of access — Exception relating to the protection of privacy and the integrity of the individual — Protection of individuals with regard to the processing of personal data — Regulation (EC) No 45/2001)

(2012/C 138/29)

Language of the case: English

Parties

Applicants: Kathleen Egan (Athboy, Ireland) and Margaret Hackett (Borris-in-Ossory, Ireland) (represented by: K. Neary, Solicitor, C. MacEochaidh, SC, and J. Goode, Barrister)

Defendant: European Parliament (represented by: N. Lorenz, N. Görlitz and D. Moore, Agents)

Intervener in support of the applicants: European Data Protection Supervisor (EDPS) (represented initially by H. Kranenborg and H. Hijmans, and subsequently by H. Kranenborg and I. Chatelier, Agents)

Re:

Application for annulment of the European Parliament's decision of 12 February 2010 in so far as it refuses to grant the applicants the access sought to the public registers of assistants to former members of the European Parliament.

Operative part of the judgment

The Court:

1. Annuls the decision of the European Parliament of 12 February 2010 in so far as it refuses to grant Kathleen Egan and Margaret Hackett the access requested to the public registers of assistants to former members of the European Parliament;
2. Orders the Parliament to pay the costs incurred by Mrs Egan and Mrs Hackett and to refund to the Court cashier the sums advanced by way of legal aid granted to Mrs Egan;
3. Orders the European Data Protection Supervisor (EDPS) to bear its own costs.

⁽¹⁾ OJ C 161, 19.6.2010.

**Judgment of the General Court of 29 March 2012 —
You-Q BV v OHIM — Apple Corps (BEATLE)**

(Case T-369/10) ⁽¹⁾

(Community trade mark — Opposition proceedings — Application for Community figurative mark BEATLE — Earlier national and Community word and figurative marks BEATLES and THE BEATLES — Relative ground for refusal — Article 8(5) of Regulation (EC) No 207/2009 — Reputation — Unfair advantage taken of the distinctive character or reputation of the earlier marks)

(2012/C 138/30)

Language of the case: English

Parties

Applicant: You-Q BV, formerly Handicare Holding BV (Helmond, Netherlands) (represented by: G. van Roeyen)

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

Other party to the proceedings before the Board of Appeal of OHIM, intervener before the General Court: Apple Corps Ltd (London, United Kingdom) (represented by: A. Terry, Solicitor, and F. Clark, Barrister)

Re:

Action brought against the decision of the Second Board of Appeal of OHIM of 31 May 2010 (Case R 1276/2009-2) concerning opposition proceedings between Apple Corps Ltd and Movingpeople.net International BV

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders You-Q BV to pay the costs.

(¹) OJ C 301, 6.11.2010.

Judgment of the General Court of 29 March 2012 — Omya v OHIM — Alpha Calcit (CALCIMATT)

(Case T-547/10) (¹)

(Community trade mark — Opposition proceedings — Application for Community word mark CALCIMATT — Prior Community word mark CALCILAN — Relative grounds for refusal — Likelihood of confusion — Similarity of the signs — Article 8(1)(b) of Regulation (EC) No 207/2009 — Refusal of registration)

(2012/C 138/31)

Language of the case: German

Parties

Applicant: Omya AG (Oftringen, Switzerland) (represented by: F. Kuschmirek and V. Dalichau, lawyers)

Defendant: Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented initially by: D. Botis; subsequently by: R. Manea; and finally by: G. Schneider, acting as Agents)

Other party to the proceedings before the Board of Appeal of OHIM: Alpha Calcit Füllstoffgesellschaft mbH (Cologne, Germany) (represented by: F. Hauck, lawyer)

Re:

Action brought against the decision of the First Board of Appeal of OHIM of 16 September 2010 (Case R 1370/2009-1) concerning opposition proceedings between Alpha Calcit Füllstoffgesellschaft mbH and Omya AG.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Omya AG to pay the costs.

(¹) OJ C 30, 29.1.2011.

Judgment of the General Court of 29 March 2012 — Kaltenbach & Voigt v OHIM (3D eXam)

(Case T-242/11) (¹)

(Community trade mark — International registration — Request for territorial extension of protection — Figurative mark 3D eXam — Absolute grounds for refusal — Descriptive character and lack of distinctive character — Article 7(1)(b) and (c) of Regulation (EC) No 207/2009)

(2012/C 138/32)

Language of the case: English

Parties

Applicant: Kaltenbach & Voigt GmbH (Biberach an der Riß, Germany) (represented by: M. Graf, lawyer)

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

Re:

Action brought against the decision of the Second Board of Appeal of OHIM of 1 March 2011 (Case R 2361/2010-2) relating to a territorial extension to the European Union of the protection of the international registration of the figurative mark 3D eXam

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Kaltenbach & Voigt GmbH to pay the costs.

(¹) OJ C 211, 16.7.2011.

Order of the General Court of 6 March 2012 — Northern Ireland Department of Agriculture and Rural Development v Commission

(Case T-453/10) (¹)

(Action for annulment — EAGGF, EAGF and EAFRD — Expenditure incurred by the United Kingdom of Great Britain and Northern Ireland — Expenditure excluded from European Union financing — Devolved administration — No direct concern — Inadmissibility)

(2012/C 138/33)

Language of the case: English

Parties

Applicant: Northern Ireland Department of Agriculture and Rural Development (Belfast, United Kingdom) (represented by: K. Brown, Solicitor, and D. Wyatt QC)