

**Judgment of the General Court of 27 February 2013 —
Poland v Commission**

(Case T-241/10) ⁽¹⁾

(EAGGF, EAGF and EAFRD — ‘Guarantee’ Section — Expenditure excluded from financing — Direct payments — Identification system for agricultural parcels — Article 20 of Regulation (EC) No 1782/2003 — Lack of effectiveness and reliability — Intentional irregularities — Article 53 of Regulation (EC) No 796/2004)

(2013/C 108/55)

Language of the case: Polish

Parties

Applicant: Republic of Poland (represented by: M. Szpunar, B. Majczyna and D. Krawczyk, Agents)

Defendant: European Commission (represented by: P. Rossi, A. Szmytkowska and A. Stobiecka-Kuik, Agents)

Re:

Application for the 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 Republic of Poland.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders the Republic of Poland to bear its own costs and to pay those incurred by the European Commission.

⁽¹⁾ OJ C 209, 31.7.2010.

**Judgment of the General Court of 27 February 2013 —
Bloufin Touna Ellas Naftiki Etaireia and Others v
European Commission**

(Case T-367/10) ⁽¹⁾

(Fisheries — Conservation of fish stocks — Recovery plan for bluefin tuna — Measures prohibiting fishing activities of purse seiners flying the flag of France or Greece — Actions for annulment — Regulatory act not entailing implementing measures — Whether directly concerned — Admissibility — Rate of exhaustion of quotas per State and per purse seiner — True catch capacity)

(2013/C 108/56)

Language of the case: English

Parties

Applicants: Bloufin Touna Ellas Naftiki Etaireia (Athens, Greece); Chrisderic (Saint-Cyprien, France); André Sébastien Fortassier

(Grau-d'Agde, France) (represented: initially by V. Akritidis and E. Petritsi, lawyers, and subsequently by V. Akritidis and F. Crespo, lawyers)

Defendant: European Commission (represented by: K. Banks, A. Bouquet and D. Nardi, Agents)

Re:

Annulment of Commission Regulation (EU) No 498/2010 of 9 June 2010 prohibiting fishing activities for purse seiners flying the flag of France or Greece or registered in France or Greece, fishing for bluefin tuna in the Atlantic Ocean, east of longitude 45° W, and in the Mediterranean Sea (OJ 2010 L 142, p. 1).

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Bloufin Touna Ellas Naftiki Etaireia, Chrisderic and André Sébastien Fortassier to pay the costs.

⁽¹⁾ OJ C 301, 6.11.2010.

**Judgment of the General Court of 21 February 2013 —
Esge v OHIM — De'Longhi Benelux (KMIX)**

(Case T-444/10) ⁽¹⁾

(Community trade mark — Opposition proceedings — Application for Community word mark KMIX — Earlier Community word mark BAMIX — Relative ground for refusal — Likelihood of confusion — Article 8(1)(b) of Regulation (EC) No 207/2009)

(2013/C 108/57)

Language of the case: English

Parties

Applicant: Esge AG (Bussnang, Switzerland) (represented by: J. Klink, lawyer)

Defendant: Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by: P. Geroulakos, acting as Agent)

Other party to the proceedings before the Board of Appeal of OHIM, intervener before the General Court: De'Longhi Benelux SA, formerly Kenwood Appliances Luxembourg SA (Luxembourg, Luxembourg) (represented by: P. Strickland, Solicitor, and L. St. Ville, Barrister)

Re:

Action brought against the decision of the Second Board of Appeal of OHIM of 14 July 2010 (Case R 1249/2009-2), concerning opposition proceedings between Esge AG and Kenwood Appliances Luxembourg SA.

Operative part of the judgment

The Court:

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

(¹) OJ C 317, 20.11.2010.

Judgment of the General Court of 20 February 2013 — Caventa v OHIM — Anson's Herrenhaus (BERG)

(Case T-224/11) (¹)

(Community trade mark — Opposition proceedings — Application for the Community figurative mark BERG — Earlier Community word mark Christian Berg — Relative ground for refusal — Likelihood of confusion — Article 8(1)(b) of Regulation (EC) No 207/2009)

(2013/C 108/58)

Language of the case: German

Parties

Applicant: Caventa AG (Rekingen, Switzerland) (represented initially by: J. Krenzel, then by T. Stein and A. Segler, lawyers)

Defendant: Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented initially by: R. Manea, then by D. Walicka, acting as Agents)

Other party to the proceedings before the Board of Appeal of OHIM, intervener before the General Court: Anson's Herrenhaus KG (Düsseldorf, Germany) (represented by: O Löffel and P. Lange, lawyers)

Re:

Action brought against the decision of the First Board of Appeal of OHIM of 10 February 2011 (Case R 1494/2010-1), relating to opposition proceedings between Anson's Herrenhaus KG and Caventa AG.

Operative part of the judgment

The Court:

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

(¹) OJ C 194, 2.7.2011.

Judgment of the General Court of 20 February 2013 — Caventa v OHIM — Anson's Herrenhaus (BERG)

(Case T-225/11) (¹)

(Community trade mark — Opposition proceedings — Application for the Community figurative mark BERG — Earlier Community word mark Christian Berg — Relative ground for refusal — Likelihood of confusion — Article 8(1)(b) of Regulation (EC) No 207/2009)

(2013/C 108/59)

Language of the case: German

Parties

Applicant: Caventa AG (Rekingen, Switzerland) (represented initially by: J. Krenzel, then by T. Stein and A. Segler, lawyers)

Defendant: Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented initially by: R. Manea, then by D. Walicka, acting as Agents)

Other party to the proceedings before the Board of Appeal of OHIM, intervener before the General Court: Anson's Herrenhaus KG (Düsseldorf, Germany) (represented by: O Löffel and P. Lange, lawyers)

Re:

Action brought against the decision of the First Board of Appeal of OHIM of 10 February 2011 (Case R 740/2010-1), relating to opposition proceedings between Anson's Herrenhaus KG and Caventa AG.

Operative part of the judgment

The Court:

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

(¹) OJ C 194, 2.7.2011.