

Operative part of the judgment

The Court:

1. Sets aside the judgment of the General Court of the European Union of 24 November 2010 in Case T-137/09 *Nike International v OHIM — Muñoz Molina (R10)* in so far as in that judgment, the General Court, in breach of Article 58 of Council Regulation (EC) No 40/94 of 20 December 1993 on the Community trade mark, as amended by Council Regulation (EC) No 1891/2006 of 18 December 2006, and Rule 49 of Commission Regulation (EC) No 2868/95 of 13 December 1995 implementing Regulation No 40/94, as amended by Commission Regulation (EC) No 1041/2005 of 29 June 2005, held that the First Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM), in its decision of 21 January 2009 (Case R 551/2008-1), infringed Rules 31(6) and 50(1) of Regulation No 2868/95, as amended by Regulation No 1041/2005, by declaring the appeal brought by Nike International Ltd to be inadmissible;
2. Refers the case back to the General Court of the European Union;
3. Reserves the costs.

⁽¹⁾ OJ C 152, 21.5.2011.

Judgment of the Court (Eighth Chamber) of 26 January 2012 — European Commission v Republic of Slovenia

(Case C-185/11) ⁽¹⁾

(Failure of a Member State to fulfil obligations — Direct insurance other than life assurance — Directives 73/239/EEC and 92/49/EEC — Incorrect and incomplete transposition)

(2012/C 73/09)

Language of the case: Slovenian

Parties

Applicant: European Commission (represented by: K.-Ph. Wojcik, M. Žebre and N. Yerrell, acting as Agents)

Defendant: Republic of Slovenia (represented by: A. Vran, agent)

Re:

Failure of a Member State to fulfil obligations — Infringement of Articles 56 and 63 of the Treaty on the functioning of the European Union — Infringement of Article 8(3) of First Council Directive 73/239/EEC of 24 July 1973 on the coordination of laws, regulations and administrative provisions relating to the taking-up and pursuit of the business of direct insurance other than life assurance (OJ 1973 L 228, p. 3) and of Articles 29 and 39 of Council Directive 92/49/EEC of 18 June 1992 on the coordination of laws, regulations and administrative provisions

relating to direct insurance other than life assurance and amending Directives 73/239/EEC and 88/357/EEC (third non-life insurance Directive; OJ 1992 L 228, p. 1)

Operative part of the judgment

The Court:

1. Declares that by incorrectly and incompletely transposing into national law First Council Directive 73/239/EEC of 24 July 1973 on the coordination of laws, regulations and administrative provisions relating to the taking-up and pursuit of the business of direct insurance other than life assurance, as amended by Directive 2005/68/EC of the European Parliament and the Council of 16 November 2005 and Council Directive 92/49/EEC of 18 June 1992 on the coordination of laws, regulations and administrative provisions relating to direct insurance other than life assurance and amending directives 73/239/EEC and 88/357/EEC (third non-life insurance Directive), as amended by Directive 2005/68, the Republic of Slovenia has failed to fulfil its obligations under Article 8(3) of Directive 73/239 and Articles 29 and 39 of Directive 92/49;
2. Dismisses the action for the remainder;
3. Orders the European Commission and the Republic of Slovenia each to bear their own costs.

⁽¹⁾ OJ C 269, 10.9.2011.

Judgment of the Court (Seventh Chamber) of 26 January 2012 — European Commission v Republic of Poland

(Case C-192/11) ⁽¹⁾

(Failure of a Member State to fulfil obligations — Directive 2009/147/EC — Conservation of wild birds — Scope of the system of protection — Derogations from the prohibitions laid down by the directive)

(2012/C 73/10)

Language of the case: Polish

Parties

Applicant: European Commission (represented by: K. Herrmann and S. Petrova, acting as Agents)

Defendant: Republic of Poland (represented by: M. Szpunar, acting as Agent)

Re:

Failure of a Member State to fulfil obligations — Infringement of Articles 1, 5 and 9(1) and (2) of Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds (OJ 2010 L 20, p. 7) — Scope — Protection restricted only to species of birds occurring in national territory — Incorrect definition of the conditions for derogating from the prohibitions laid down by the directive