

*Defendant:* European Commission (represented by: D. Recchia and A. Steiblytė, Agents)

**Re:**

Applications for annulment of the decisions contained in the Commission's letters of 22 December 2008, and of 2 and 6 February 2009 (Nos 012480, 000841 and 001059 — Case T-99/09) and of 20 May 2009 (No 004263 — Case T-308/09) declaring that the interim payment applications submitted by the Italian Authorities for the reimbursement of expenditure incurred after 29 June 2007 in connection with Measure 1.7 of the 'Campania' Operational Programme are 'unacceptable' under Article 32(3)(f) of Council Regulation (EC) No 1260/1999 of 21 June 1999 laying down general provisions on the Structural Funds (OJ 1999 L 161, p. 1).

**Operative part of the judgment**

*The Court:*

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

<sup>(1)</sup> OJ C 102, 1.5.2009.

**Judgment of the General Court of 19 April 2013 — Adelholzener Alpenquellen v OHIM (Shape of a bottle with an embossed pattern)**

(Case T-347/10) <sup>(1)</sup>

*(Community trade mark — Application for a three-dimensional Community trade mark — Shape of a bottle with an embossed pattern — Absolute ground for refusal — Lack of distinctive character — Article 7(1)(b) of Regulation (EC) No 207/2009 — Lack of declaration as to the scope of the protection — Article 37(2) of Regulation No 207/2009 — Infringements of the rights of the defence — Second sentence of Article 75 of Regulation No 207/2009)*

(2013/C 156/67)

*Language of the case: German*

**Parties**

*Applicant:* Adelholzener Alpenquellen GmbH (Siegsdorf, Germany) (represented by: O. Rauscher and C. Onken, lawyers)

*Defendant:* Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented initially by: S. Schöffner and subsequently by: A. Schifko, acting as Agents)

**Re:**

Action brought against the decision of the First Board of Appeal of OHIM of 9 June 2010 (Case R 1516/2009-1) concerning an application for registration of a three-dimensional sign consisting of the shape of a bottle with an embossed pattern as a Community trade mark.

**Operative part of the judgment**

*The Court:*

1. Dismisses the action;

2. Orders Adelholzener Alpenquellen GmbH to pay the costs..

<sup>(1)</sup> OJ C 288, 23.10.2010.

**Judgment of the General Court of 17 April 2013 — Continental Bulldog Club Deutschland v OHIM (CONTINENTAL)**

(Case T-383/10) <sup>(1)</sup>

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

(2013/C 156/68)

*Language of the case: German*

**Parties**

*Applicant:* Continental Bulldog Club Deutschland eV (Berlin, Germany) (represented: initially by S. Vollmer, and subsequently by U. Rühl, lawyers)

*Defendant:* Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented: initially by S. Schöffner, and subsequently by D. Walicka, Agents)

**Re:**

Action brought against the decision of the First Board of Appeal of OHIM of 23 June 2010 (R 300/2010-1), concerning an application for registration of the word mark CONTINENTAL as a Community trade mark

**Operative part of the judgment**

*The Court:*

1. Dismisses the action;
2. Orders Continental Bulldog Club Deutschland eV to pay the costs.

<sup>(1)</sup> OJ C 301, 6.11.2010.

**Judgment of the General Court of 19 April 2013 — Aecops v Commission**

(Case T-51/11) <sup>(1)</sup>

*(ESF — Training operations — Reduction in financial assistance initially granted — Regulation (EC, Euratom) No 2988/95 — Time-bar — Legal certainty — Rights of the defence — Reasonable period — Duty to state reasons)*

(2013/C 156/69)

*Language of the case: Portuguese*

**Parties**

*Applicant:* Associação de Empresas de Construção e Obras Públicas e Serviços (Aecops) (Lisbon, Portugal) (represented initially by: J. da Cruz Vilaça and L. Pinto Monteiro and subsequently by: L. Pinto Monteiro, P. Farinha Alves and N. Morais Sarmento, lawyers)

*Defendant:* European Commission (represented by: P. Guerra e Andrade and D. Recchia, acting as Agents)

**Re:**

Annulment of the Commission's decision of 27 October 2010 setting the final amount of the expenditure eligible for assistance from the European Social Fund (ESF), granted to the applicant for training operations by Decision C(88) 831 of 29 April 1988 for the funding of training operations (file 88 0369 P1).

**Operative part of the judgment**

*The Court:*

1. *Dismisses the action;*
2. *Orders Associação de Empresas de Construção e Obras Públicas e Serviços (Aecops) to pay the costs.*

<sup>(1)</sup> OJ C 139, 7.5.2011.

**Judgment of the General Court of 19 April 2013 — Aecops v Commission**

(Case T-52/11) <sup>(1)</sup>

*(ESF — Training operations — Reduction in financial assistance initially granted — Regulation (EC, Euratom) No 2988/95 — Time-bar — Legal certainty — Rights of the defence — Reasonable period — Duty to state reasons)*

(2013/C 156/70)

*Language of the case: Portuguese*

**Parties**

*Applicant:* Associação de Empresas de Construção e Obras Públicas e Serviços (Aecops) (Lisbon, Portugal) (represented initially by: J. da Cruz Vilaça and L. Pinto Monteiro and subsequently by: L. Pinto Monteiro, P. Farinha Alves and N. Morais Sarmento, lawyers)

*Defendant:* European Commission (represented by: P. Guerra e Andrade and D. Recchia, acting as Agents)

**Re:**

Annulment of the Commission's decision of 27 October 2010 setting the final amount of the expenditure eligible for assistance from the European Social Fund (ESF), granted to the applicant for training operations by Commission Decision C(89) 570 of 22 March 1989 for the funding of training operations (file 89 0979 P3)

**Operative part of the judgment**

*The Court:*

1. *Dismisses the action;*
2. *Orders Associação de Empresas de Construção e Obras Públicas e Serviços (Aecops) to pay the costs.*

<sup>(1)</sup> OJ C 139, 7.5.2011.

**Judgment of the General Court of 19 April 2013 — Aecops v Commission**

(Case T-53/11) <sup>(1)</sup>

*(ESF — Training operations — Reduction in financial assistance initially granted — Regulation (EC, Euratom) No 2988/95 — Time-bar — Legal certainty — Rights of the defence — Reasonable period — Duty to state reasons)*

(2013/C 156/71)

*Language of the case: Portuguese*

**Parties**

*Applicant:* Associação de Empresas de Construção e Obras Públicas e Serviços (Aecops) (Lisbon, Portugal) (represented initially by: J. da Cruz Vilaça and L. Pinto Monteiro and subsequently by: L. Pinto Monteiro, P. Farinha Alves and N. Morais Sarmento, lawyers)

*Defendant:* European Commission (represented by: P. Guerra e Andrade and D. Recchia, acting as Agents)

**Re:**

Annulment of the Commission's decision of 27 October 2010 setting the final amount of the expenditure eligible for assistance from the European Social Fund (ESF), granted to the applicant for training operations by Commission Decision C(89) 570 of 22 March 1989 for the funding of training operations (file 89 0771 P1)

**Operative part of the judgment**

*The Court:*

1. *Dismisses the action;*
2. *Orders Associação de Empresas de Construção e Obras Públicas e Serviços (Aecops) to pay the costs.*

<sup>(1)</sup> OJ C 139, 7.5.2011.