

**Judgment of the General Court of 31 January 2013 —
Spain v Commission**

(Case T-540/10) ⁽¹⁾

(Cohesion Fund — Reduction of the financial assistance initially granted from the Cohesion Fund to four project stages concerning the construction of certain sections of the high-speed line linking Madrid and the French border — Time-limit for adopting a decision — Article H(2) of Annex II to Regulation (EC) No 1164/94 — Article 18(3) of Regulation (EC) No 1386/2002 — Additional works or services — Concept of ‘unforeseen circumstances’ — Article 20(2)(f) of Directive 93/38/EEC)

(2013/C 79/21)

Language of the case: Spanish

Parties

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

Defendant: European Commission (represented by: S. Pardo Quintillán and D. Recchia, Agents)

Re:

Application, principally, for annulment of Commission Decision C(2010) 6154 of 13 September 2010 reducing the assistance granted from the Cohesion Fund to the project stages ‘Línea de Alta Velocidad Madrid-Zaragoza-Barcelona-Frontera francesa. Tramo Lleida-Martorell (Plataforma). Subtramo IX-A’ (CCI No 2001.ES.16.C.PT. 005), ‘Línea de Alta Velocidad Madrid-Zaragoza-Barcelona-Frontera francesa. Tramo Lleida-Martorell (Plataforma). Subtramo X-B (Avinyonet del Penedés-Sant Sadurní d’Anoia’ (CCI No 2001.ES.16.C.PT. 008), ‘Línea de Alta Velocidad Madrid-Zaragoza-Barcelona-Frontera francesa. Tramo Lleida-Martorell (Plataforma). Subtramo XI-A and XI-B (Sant Sadurní d’Anoia-Gelida’ (CCI No 2001.ES.16.C.PT.009), ‘Línea de Alta Velocidad Madrid-Zaragoza-Barcelona-Frontera francesa. Tramo Lleida-Martorell (Plataforma). Subtramo IX-C’ (CCI No 2001.ES.16.C.PT.0010) and, alternatively, application to have that decision annulled in part in so far as it refers to the corrections applied to the amendments arising from the exceeding of the noise thresholds (Subsection IX-A), the change of PGOU (General Urban Development Plan) of the Ayuntamiento de Santa Oliva (Spain) (Subsection IX-A) and the differences in the geotechnical conditions (Subsections X-B, XI-A, XI-B and IX-C), reducing the amount of the corrections decided by the Commission by EUR 2 348 201,96.

Operative part of the judgment

The Court:

1. Dismisses the action;

2. Orders the Kingdom of Spain to pay the costs.

⁽¹⁾ OJ C 30, 29.1.2011.

**Judgment of the General Court of 31 January 2013 —
Present-Service Ullrich v OHIM — Punt-Nou (babilu)**

(Case T-66/11) ⁽¹⁾

(Community trade mark — Opposition proceedings — Application for Community word mark babilu — Earlier Community word mark BABIDU — Relative ground for refusal — Likelihood of confusion — Similarity of the services — Similarity of the signs — Article 8(1)(b) of Regulation (EC) No 207/2009)

(2013/C 79/22)

Language of the case: English

Parties

Applicant: Present-Service Ullrich GmbH & Co. KG (Erlangen, Germany) (represented by: A. Graf von Kalckreuth and I. Stein, lawyers)

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

Other party to the proceedings before the Board of Appeal of OHIM, intervener before the General Court: Punt-Nou, SL (Valencia, Spain) (represented by: I. Sempere Massa, lawyer)

Re:

Action brought against the decision of the Second Board of Appeal of OHIM of 19 November 2010 (Case R 773/2010-2), concerning opposition proceedings between Punt-Nou, SL and Present Service Ullrich GmbH & Co. KG.

Operative part of the judgment

The Court:

1. Dismisses the action;

2. Orders Present-Service Ullrich GmbH & Co. KG to pay the costs.

⁽¹⁾ OJ C 89, 19.3.2011.