

Operative part of the judgment

The Court:

1. Declares that, by failing to take the measures necessary to ensure that, by 31 December 1998, the urban waste water of the agglomeration of Sueca, its coastal districts (El Perelló, Les Palmeres, Mareny de Barrequetes, Playa del Rey and Boga de Mar) and also certain municipalities of the region of La Ribera (Benifaió, Sollano and Almussafes) is treated appropriately before being discharged in an area declared sensitive, the Kingdom of Spain has failed to fulfil its obligations under the second paragraph of Article 3(1) and Article 5(2) of Council Directive 91/271/EEC of 21 May 1991 concerning urban waste-water treatment, the latter provision being read together with Article 4(4) of that directive.

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

(¹) OJ C 182 of 23.7.2005.

Judgment of the Court (First Chamber) of 19 April 2007 — Office for Harmonisation in the Internal Market (Trade Marks and Designs) v Celltech R&D Ltd

(Case C-273/05 P) (¹)

(Appeal — Community trade mark — Article 7(1)(b) and (c) of Regulation (EC) No 40/94 — Application for word mark CELLTECH — Absolute grounds for refusal — Lack of distinctive character — Descriptive character)

(2007/C 96/13)

Language of the case: English

Parties

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

Other party to the proceedings: Celltech R&D Ltd (represented by: D. Alexander QC and G. Hobbs QC, instructed by N. Jenkins, Solicitor)

Re:

Appeal against the judgment of the Court of First Instance (Third Chamber) of 14 April 2005 in Case T-260/03 Celltech R&D Limited v Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM) in which the Court of First Instance annulled decision R 659/2002-2 of OHIM's Second Board of Appeal of 19 May 2003, rejecting the appeal against the examiner's decision refusing registration of the word mark 'CELLTECH' for goods and services falling within Classes 5, 10 and 42

Operative part of the judgment

The Court:

1. Dismisses the appeal;
2. Orders the Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM) to pay the costs.

(¹) OJ C 243, 1.10.2005.

Judgment of the Court (Second Chamber) of 19 April 2007 — Holcim (Deutschland) AG, formerly Alsen AG v Commission of the European Communities

(Case C-282/05 P) (¹)

(Appeals — Non-contractual liability of the Community — Article 85 of the EC Treaty (now Article 81 EC) — Reimbursement of bank guarantee charges)

(2007/C 96/14)

Language of the case: German

Parties

Appellant: Holcim (Deutschland) AG, formerly Alsen AG (represented by: P. Niggemann and F. Wiemer, Rechtsanwälte)

Other party to the proceedings: Commission of the European Communities (represented by: R. Lyal, and G. Wilms, Agents)

Re:

Appeal against the judgment of the Court of First Instance (Third Chamber) of 21 April 2005 in Case T-28/03 *Holcim (Deutschland) v Commission*, dismissing an action for damages which sought to obtain, following the annulment of the Commission's decision imposing a fine in a proceeding under Article 81 EC, the reimbursement of charges in respect of a bank guarantee lodged in order to avoid immediate payment of the fine in question.

Operative part of the judgment

The Court:

- 1) Dismisses the appeal;
- 2) Orders Holcim (Deutschland) AG to pay the costs.

(¹) OJ C 217, 3.9.2005.