

Operative part of the judgment

1. National legislation which prohibits the pursuit of the activities of collecting, taking, booking and forwarding offers of bets, in particular bets on sporting events, without a licence or a police authorisation issued by the Member State concerned, constitutes a restriction on the freedom of establishment and the freedom to provide services, provided for in Articles 43 EC and 49 EC respectively.
2. It is for the national courts to determine whether, in so far as national legislation limits the number of operators active in the betting and gaming sector, it genuinely contributes to the objective of preventing the exploitation of activities in that sector for criminal or fraudulent purposes.
3. Articles 43 EC and 49 EC must be interpreted as precluding national legislation, such as that at issue in the main proceedings, which excludes — and, moreover, continues to exclude — from the betting and gaming sector operators in the form of companies whose shares are quoted on the regulated markets.
4. Articles 43 EC and 49 EC must be interpreted as precluding national legislation, such as that at issue in the main proceedings, which imposes a criminal penalty on persons such as the defendants in the main proceedings for pursuing the organised activity of collecting bets without a licence or a police authorisation as required under the national legislation, where those persons were unable to obtain licences or authorisations because that Member State, in breach of Community law, refused to grant licences or authorisations to such persons.

(¹) OJ C 165, 15.7.2006.

Order of the Court (Seventh Chamber) of 9 March 2007 — Alecansan SL v Office for Harmonisation in the Internal Market (Trade Marks and Designs), CompUSA Management Co

(Case C-196/06 P) (¹)

(Appeal — Community trade mark — Regulation (EC) No 40/94 — Article 8(1)(b) — Application for registration of a figurative mark — Opposition of the proprietor of an earlier national figurative mark — Likelihood of confusion — None — No similarity between the goods and services covered by the conflicting trade marks)

(2007/C 96/42)

Language of the case: English

Parties

Appellant: Alecansan SL (represented by: P. Merino Baylos and A. Velázquez Ibáñez, abogados)

Other parties to the proceedings: Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by: D. Botis, Agent), CompUSA Management Co

Re:

Appeal against the judgment of the Court of First Instance (First Chamber) of 7 February 2006 in Case T-202/03 *Alecansan v OHIM* by which the Court of First Instance dismissed an action brought by the proprietor of the national figurative mark 'COMP USA' in respect of goods in Class 39 for annulment of Decision R 711/2002-1 of the First Board of Appeal of OHIM of 24 March 2003 dismissing the appeal against the decision of the Opposition Division rejecting the opposition lodged against the application for registration of the figurative Community trade mark 'COMP USA' in respect of goods in Classes 9 and 37 — Similarity between the marks — Infringement of Article 8(1)(b) of Council Regulation (EC) No 40/94 of 20 December 1993 on the Community trade mark (OJ 1994 L 11, p. 1)

Operative part of the order

1. The appeal is dismissed.
2. Alecansan SL shall bear the costs.

(¹) OJ C 190, 12.8.2006.

Order of the Court of 8 March 2007 — Guido Strack v Commission of the European Communities

(Case C-237/06 P) (¹)

(Appeals — Staff cases — Decision to close an OLAF investigation — Allegations of fraud made by an official — Locus standi of the official)

(2007/C 96/43)

Language of the case: Italian

Parties

Applicant(s): Guido Strack (represented by: L. Füllkrug, Rechtsanwalt)

Other party/parties to the proceedings: Commission of the European Communities (represented by: H. Kraemer and C. Ladenburger, as Agents)