

2. *Actions for damages — Limitation period — Point from which time starts to run — Account taken of a subjective assessment of the reality of the damage — Not permissible (Art. 288, second para., EC; Statute of the Court of Justice, Art. 46) (see paras 69-71, 82)*

Re:

ACTION for damages seeking compensation for the loss allegedly suffered by the applicants following a Commission decision not to include them on the list of exporters eligible to receive payment, via funds of the European Development Fund (EDF), in respect of the debts owed to them by a State body of the Central African Republic.

Operative part

1. The action is dismissed as manifestly inadmissible.
2. R. Cattin & Cie and Yves Cattin are ordered to bear their own costs and pay those incurred by the European Commission.

**Judgment of the General Court (Seventh Chamber) of 16 December 2009 —
Giordano Enterprises v OHIM — Dias Magalhães & Filhos (GIORDANO)**

(Case T-483/08)

(Community trade mark — Opposition proceedings — Application for the Community word mark GIORDANO — Earlier national word mark GIORDANO — Relative ground for refusal — Likelihood of confusion — Partial refusal of registration — Article 8(1)(b) of Regulation (EC) No 40/94 (now Article 8(1)(b) of Regulation (EC) No 207/2009))

Community trade mark — Definition and acquisition of the Community trade mark — Relative grounds for refusal — Opposition by the proprietor of an earlier identical or similar mark registered for identical or similar goods or services — Likelihood of confusion with the earlier mark (Council Regulation No 40/94, Art. 8(1)(b)) (see paras 19, 33)

Re:

ACTION brought against the decision of the Second Board of Appeal of OHIM of 28 July 2008 (Case R 1864/2007-2) relating to opposition proceedings between José Dias Magalhães & Filhos lda. and Giordano Enterprises Ltd.

Information relating to the case

Applicant for the Community trade mark:	Giordano Enterprises Ltd
Community trade mark sought:	Word mark GIORDANO for goods in Classes 18 and 25
Proprietor of the mark or sign cited in the opposition proceedings:	José Dias Magalhães & Filhos lda.
Mark or sign cited in opposition:	Portuguese word mark GIORDANO for goods in Class 25 (No 22534)
Decision of the Opposition Division:	Opposition partially upheld
Decision of the Board of Appeal:	Decision of the Opposition Division annulled in so far as it upheld the opposition in relation to certain goods in Class 18; appeal dismissed as to the reminder.

Operative part

The Court:

1. Dismisses the action;
2. Orders Giordano Enterprises Ltd to bear its own costs and to pay those incurred by the Office for Harmonisation in the Internal Market (Trade Marks and Designs).

Judgment of the General Court (Sixth Chamber) of 17 December 2009 — Notartel v OHIM — SAT.1 (R.U.N.)

(Case T-490/07)

(Community trade mark — Opposition proceedings — Application for Community word mark R.U.N. — Earlier Community and national word marks “ran” — Relative ground for refusal — Likelihood of confusion — Article 8(1)(b) of Regulation (EC) No 40/94 (now Article 8(1)(b) of Regulation (EC) No 207/2009) — Obligation to state reasons — Article 73 of Regulation No 40/94 (now Article 75 of Regulation No 207/2009) — Partial refusal of registration)

Community trade mark — Definition and acquisition of the Community trade mark — Relative grounds for refusal — Opposition by the proprietor of an earlier identical or similar mark registered for identical or similar goods or services — Likelihood of confusion with the earlier mark (Council Regulation No 40/94, Art. 8(1)(b)) (see paras 52, 71)

Re:

ACTION brought against the decision of the Fourth Board of Appeal of OHIM of 22 October 2007 (Case R 1267/2006-4) concerning opposition proceedings between SAT.1 SatellitenFernsehen GmbH and Notartel SpA — Società informatica del Notariato.