

Operative part of the judgment

The Court:

1. Declares that, by failing to provide, under its social security rules, for the possibility of acceptance of liability for costs relating to laboratory analyses and tests, within the meaning of Article 24 of the Luxembourg Social Security Code, in the version applicable to the dispute, which are carried out in another Member State, by means of reimbursement of the costs paid for those analyses and tests, but by providing solely for a system of direct billing to sickness insurance funds, the Grand Duchy of Luxembourg has failed to fulfil its obligations under Article 49 EC.
2. Dismisses the remainder of the action.
3. Orders the European Commission and the Grand Duchy of Luxembourg to bear their own costs.

(¹) OJ C 37, 13.2.2010.

Judgment of the Court (Fifth Chamber) of 13 January 2011 — Media-Saturn-Holding GmbH v Office for Harmonisation in the Internal Market (Trade Marks and Designs)

(Case C-92/10 P) (¹)

(Appeal — Community trade mark — Absolute ground for refusal — Lack of distinctive character — Mark consisting of an advertising slogan and composed of elements individually devoid of any distinctive character — Figurative sign ‘BEST BUY’)

(2011/C 80/09)

Language of the case: German

Parties

Appellant: Media-Saturn-Holding GmbH (represented by: E. Warnke, Rechtsanwalt)

Other party to the proceedings: Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by: G. Schneider)

Re:

Appeal brought against the judgment of the General Court (Fourth Chamber) of 15 December 2009 in Case T-476/08 *Media-Saturn v OHIM (BEST BUY)* in which the General Court dismissed the action against the decision of the Fourth Board of Appeal of OHIM, of 28 August 2008, dismissing the appeal against the examiner's decision which refused the registration of the figurative sign ‘BEST BUY’ as a Community trade mark for goods and services in Classes 1, 2, 5 to 12, 14 to 17, 20 to 22, 27, 28, 35, 37, 38 and 40 to 42 — distinctive character of a mark consisting of an advertising slogan and composed of elements individually devoid of any distinctive character

Operative part of the judgment

The Court:

1. Dismisses the appeal;
2. Orders Media-Saturn-Holding GmbH to pay the costs.

(¹) OJ C 113, 01.05.2010

Order of the Court (Fifth Chamber) of 16 September 2010 — Deepak Rajani (Dear!Net Online) v Office for Harmonisation in the Internal Market (Trade Marks and Designs), Artoz-Papier AG

(Case C-559/08 P) (¹)

(Appeal — Community trade mark — Word mark ATOZ — Opposition by the proprietor of the international word mark ARTOZ — Refusal of registration)

(2011/C 80/10)

Language of the case: English

Parties

Appellant: Deepak Rajani (represented by: A. Kockläuner, Rechtsanwalt)

Other parties to the proceedings: Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by: A. Folliard-Monguiral, Agent), Artoz-Papier AG

Re:

Appeal brought against the judgment of the Court of First Instance (Eighth Chamber) of 26 November 2008 in Case T-100/06 *Rajani v OHIM — Artoz-Papier (ATOZ)*, by which that Court dismissed an action brought by the applicant for the word mark ATOZ, for services in Classes 35 and 41, against Decision R 1126/2004-2 of the Second Board of Appeal of the Office for Harmonisation in the Internal Market (OHIM) of 11 January 2006 dismissing the appeal brought against the decision of the Opposition Division refusing registration of that mark in opposition proceedings brought by the proprietor of the international word mark ‘ARTOZ’ for services in Classes 35 and 41

Operative part of the order

1. The appeal is dismissed.
2. Mr Rajani shall pay the costs.

(¹) OJ C 82, 04.04.2009.