

Order of the Court (Seventh Chamber) of 29 September 2010 — European Renewable Energies Federation ASBL v European Commission

(Joined Cases C-74/10 P and C-75/10 P) ⁽¹⁾

(Appeal — Article 19 of the Statute of the Court of Justice — Representation of a party by a lawyer who is not a third party — Manifest inadmissibility)

(2011/C 80/15)

Language of the case: English

Parties

Appellant: European Renewable Energies Federation ASBL (represented by: J. Kuhbier, Rechtsanwalt)

Other party to the proceedings: European Commission (represented by: B. Martenczuk and N. Khan, Agents)

Re:

Appeal lodged against the order of the Court of First Instance (Sixth Chamber) of 19 November 2009 in Case T-94/07 *EREF v Commission*, in which the Court dismissed as manifestly inadmissible an action seeking the annulment of Commission Decision C(2006) 4963 final of 24 October 2006 declaring that certain sources of finance used by TVO for the construction of a nuclear reactor in Finland ('Olkiluoto 3 Project') do not constitute State aid — Representation by a lawyer who is not a third party

Operative part of the order

1. *The appeals are dismissed.*
2. *European Renewable Energies Federation ASBL shall pay the costs.*

⁽¹⁾ OJ C 113, 1.5.2010.

Judgment of the Court (Sixth Chamber) of 22 October 2010 — Longevity Health Products, Inc. v Office for Harmonisation in the Internal Market (Trade Marks and Designs), Merck KGaA

(Case C-84/10 P) ⁽¹⁾

(Appeal — Community trade mark — Regulation (EC) No 40/94 — Article 8(1)(b) — Word sign 'Kids Vits' — Opposition by the proprietor of the Community word mark VITS4KIDS — Level of attention of the relevant public — Likelihood of confusion — Similarity of the signs — Right to be heard)

(2011/C 80/16)

Language of the case: German

Parties

Appellant: Longevity Health Products, Inc. (represented by: J. E. Korab, Rechtsanwalt)

Other parties to the proceedings: Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by: G. Schneider, Agent), Merck KGaA

Re:

Appeal brought against the judgment of the General Court (Eighth Chamber) of 9 December 2009 in Case T-484/08 *Longevity Health Products v OHIM — Merck (Kids Vits)* in which the General Court dismissed the action against the decision of the Fourth Board of Appeal of OHIM of 28 August 2008, refusing the registration of the word sign 'Kids Vits' as a Community trade mark for certain goods in Class 5, by upholding the opposition by the proprietor of the earlier Community word mark 'VITS4KIDS' — Infringement of the right to a judicial hearing — Breach of Article 8(1)(b) of Regulation (EC) No 40/94 — Likelihood of confusion between two marks

Operative part of the judgment

The Court:

1. *Dismisses the appeal;*
2. *Orders Longevity Health Products, Inc. to pay the costs.*

⁽¹⁾ OJ C 100, 17.04.2010.

Order of the Court (Eighth Chamber) of 9 September 2010 — Franssons Verkstäder AB v Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM), Lindner Recyclingtech GmbH

(Case C-290/10 P) ⁽¹⁾

(Appeal — Action before the General Court against a decision of the Third Board of Appeal of OHIM — Regulation (EC) No 6/2002 — Time-limit allowed for bringing proceedings — Inadmissibility due to delay — Appeal clearly unfounded)

(2011/C 80/17)

Language of the case: English

Parties

Appellant: Franssons Verkstäder AB (represented by: O. Öhlén, advokat)

Other parties to the proceedings: Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM), Lindner Recyclingtech GmbH