

**Judgment of the General Court of 11 December 2012 —  
Fomanu v OHIM (Qualität hat Zukunft)**

(Case T-22/12) <sup>(1)</sup>

**(Community trade mark — Application for Community word mark Qualität hat Zukunft — Absolute grounds for refusal — Lack of distinctive character — Article 7(1)(b) of Regulation (EC) No 207/2009)**

(2013/C 26/84)

Language of the case: German

**Parties**

**Applicant:** Fomanu AG (Neustadt an der Waldnaab, Germany) (represented by: T. Raible, lawyer)

**Defendant:** Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by: K. Klüpfel, Agent)

**Re:**

Action brought against the decision of the First Board of Appeal of OHIM of 27 October 2011 (Case R 1518/2011-1) concerning an application for registration of the word sign Qualität hat Zukunft as a Community trade mark.

**Operative part of the judgment**

The Court:

1. Dismisses the action;
2. Orders Fomanu AG to pay the costs.

<sup>(1)</sup> OJ C 80, 17.3.2012.

**Judgment of the General Court of 28 November 2012 —  
Bauer v OHIM — BenQ Materials (Daxon)**

(Case T-29/12) <sup>(1)</sup>

**(Community trade mark — Opposition proceedings — Application for Community word mark Daxon — Earlier Community word mark DALTON — Relative ground for refusal — Likelihood of confusion — Article 8(1)(b) of Regulation (EC) No 207/2009)**

(2013/C 26/85)

Language of the case: German

**Parties**

**Applicant:** Erika Bauer (Schaufing, Germany) (represented by: A. Merz, lawyer)

**Defendant:** Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by: K. Klüpfel, Agent)

**Other party to the proceedings before the Board of Appeal of OHIM:** BenQ Materials Corp. (Gueishan Taoyuan, Taiwan)

**Re:**

Action brought against the decision of the Second Board of Appeal of OHIM of 9 November 2011 (Case R 2191/2010-2) relating to opposition proceedings between Mrs Erika Bauer and BenQ Materials Corp.

**Operative part of the judgment**

The Court:

1. Alva Management GmbH is granted leave to be substituted for Mrs Erika Bauer as applicant;
2. The action is dismissed.
3. Alva Management is ordered to pay the costs.

<sup>(1)</sup> OJ C 80, 17.3.2012.

**Order of the General Court of 27 November 2012 —  
Steinberg v Commission**

(Case T-17/10) <sup>(1)</sup>

**(Action for annulment — Access to documents — Regulation (EC) No 1049/2001 — Documents relating to funding decisions for grants to Israeli and Palestinian non-governmental organisations under the ‘Partnership for Peace’ programme and the European Instrument for Democracy and Human Rights — Partial refusal of access — Exception relating to the protection of the public interest as regards public security — Obligation to state the reasons on which the decision is based — Action in part manifestly inadmissible and in part manifestly lacking any foundation in law)**

(2013/C 26/86)

Language of the case: English

**Parties**

**Applicant:** Gerald Steinberg (Jerusalem, Israel) (represented by: T. Asserson, Solicitor)

**Defendant:** European Commission (represented by: C. Tufvesson and C. ten Dam, Agents)

**Re:**

Application for annulment of Commission Decision SG.E.3/MV/psi D(2009) 3914 of 15 May 2009, partially refusing the applicant access to certain documents relating to funding decisions for grants to Israeli and Palestinian non-governmental organisations under the ‘Partnership for Peace’ programme and the European Instrument for Democracy and Human Rights (EIDHR)

**Operative part of the order**

1. The action is dismissed as, in part, manifestly inadmissible and, in part, manifestly lacking any foundation in law;

2. Mr Gerald Steinberg shall bear his own costs and pay those incurred by the European Commission.

(<sup>1</sup>) OJ C 80, 27.3.2010.

**Order of the General Court of 23 November 2012 — Crocs v OHIM — Holey Soles Holdings and PHI (Representation of footwear )**

(Case T-302/10) (<sup>1</sup>)

**(‘Community trade mark — Invalidity action — Withdrawal of the invalidity action — No need to adjudicate’)**

(2013/C 26/87)

Language of the case: English

**Parties**

*Applicant:* Crocs, Inc. (Niwot, United States of America) (represented by: I.R. Craig, solicitor)

*Defendant:* Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by: S. Hanne, agent)

*Other parties to the proceedings before the Board of Appeal of OHIM:* Holey Soles Holdings Ltd (Vancouver, Canada; and Partenaire Hospitalier International (La Haie Foissière, France)

**Re:**

Action brought against the decision of the Third Board of Appeal of OHIM of 26 March 2010 (Case R 9/2008-3), relating to invalidity proceedings between Holey Shoes Holdings Ltd and Partenaire Hospitalier International and Crocs, Inc.

**Operative part of the order**

1. There is no need to adjudicate on the action.
2. The applicant shall bear its own costs and those incurred by the defendant.

(<sup>1</sup>) OJ C 260, 25.9.2010.

**Order of the General Court of 27 November 2012 — AEDDY and Others v Council**

(Case T-541/10) (<sup>1</sup>)

**(Actions for annulment — Decisions addressed to a Member State with a view to remedying a situation of excessive deficit — No direct concern — Inadmissibility)**

(2013/C 26/88)

Language of the case: Greek

**Parties**

*Applicants:* Anotati Dioikisi Enoseon Dimosion Ypallilon (AEDDY), (Athens, Greece); Spyridon Papaspyros (Athens); and Ilias Iliopoulos (Athens) (represented by: M.-M. Tsipra, lawyer)

*Defendant:* Council of the European Union (represented by: T. Middleton, A. De Gregorio Merino and E. Chatziioakeimidou, acting as Agents)

*Intervening party in support of the Defendant:* European Commission (represented by: B. Smulders, J. P. Keppenne and M. Konstantinidis, acting as Agents)

**Re:**

Application for annulment, firstly, of Council Decision 2010/320/EU of 10 May 2010 addressed to Greece with a view to reinforcing and deepening fiscal surveillance and giving notice to Greece to take measures for the deficit reduction judged necessary to remedy the situation of excessive deficit (OJ 2010 L 145, p. 6; corrigendum OJ 2011 L 209, p. 63) and, secondly, of Council Decision 2010/486/EU of 7 September 2010 amending Decision 2010/320/EU (OJ 2010 L 241, p. 12).

**Operative part of the order**

1. The action is dismissed.
2. Orders Anotati Dioikisi Enoseon Dimosion Ypallilon (AEDDY), Mr Spyridon Papaspyros and Mr Ilias Iliopoulos to bear their own costs as well as those incurred by the Council of the European Union.
3. Orders the European Commission to bear its own costs.

(<sup>1</sup>) OJ C 30, 29.1.2011.

**Order of the General Court of 27 November 2012 — AEDDY and Others v Council**

(Case T-215/11) (<sup>1</sup>)

**(Actions for annulment — Decisions addressed to a Member State with a view to remedying a situation of excessive deficit — No direct concern — Inadmissibility)**

(2013/C 26/89)

Language of the case: Greek

**Parties**

*Applicants:* Anotati Dioikisi Enoseon Dimosion Ypallilon (AEDDY), (Athens, Greece); Spyridon Papaspyros (Athens); and Ilias Iliopoulos (Athens) (represented by: M.-M. Tsipra, lawyer)

*Defendant:* Council of the European Union (represented by: G. Maganza, M. Vitsentzatos and A. de Gregorio Merino, acting as Agents)

*Intervening party in support of the defendant:* European Commission (represented by: B. Smulders, J. P. Keppenne and M. Konstantinidis, acting as Agents)