Order of the Court of First Instance (First Chamber) of 6 September 2006 — Hensotherm v OHIM — Hensel (HENSOTHERM)

(Case T-366/04)

Community trade mark — Cancellation proceedings — Community figurative and word mark HENSOTHERM — National word mark HENSOTHERM — Inadmissibility of the appeal against the decision conferring the cancellation — Time-limits — *Restitutio in integrum*

Community trade mark — Appeals procedure — Time-limit and form of appeal (Council Regulation No 40/94, Art. 59; Commission Regulation No 2868/95, Art. 1, Rule 49) (see paras 32, 33, 57)

Re:

ACTION brought against the decision of the First Board of Appeal of OHIM of 12 July 2004 (Case R 614/2003-1), concerning proceedings for invalidity of the Community figurative mark HENSOTHERM.

Information relating to the case

Registered Community trade mark subject to an action for cancellation:	Figurative mark HENSOTHERM for goods in Classes 2 and 17 — Community trade mark No 357863
Proprietor of the Community trade mark:	Hensotherm AB
Party bringing the action for cancellation:	Rudolf Hensel GmbH
Trade mark of the applicant for cancellation:	National word mark HENSOTHERM (No 213672) for goods in Class 2
Decision of the Cancellation Division:	Annulment of the Community trade mark
Decision of the Board of Appeal:	Dismissal of the action

Operative part

The Court:

1. Dismisses the action;

2. Orders the applicant to pay its own costs as well as those of the Office for Harmonisation in the Internal Market (Trade Marks and Designs);

3. Orders the intervener to pay its own costs.

Order of the Court of First Instance (Fifth Chamber) of 8 September 2006 — Lademporiki and Parousis & Sia v Commission

(Case T-92/06)

Non-contractual liability — Financial aid from the EAGGF — Prosecutions and national administrative penalties — Refusal of the Commission to take a position and bring proceedings for failure to fulfil obligations — Action in part clearly inadmissible and in part devoid of legal foundation

1. *Claim for compensation — Action brought by undertakings prosecuted and subject to administrative penalties for issuing false invoices for the purpose of obtaining Community financial aid (Arts 226 EC and 288, second para., EC) (see para. 25)*

2. *Non-contractual liability — Conditions (Arts 226 EC and 288, second para., EC) (see paras 29, 30)*