

Judgment of the Court of First Instance of 24 March 2009
— Moreira da Fonseca v OHIM — General Óptica
(GENERAL OPTICA)

(Joined Cases T-318/06 to T-321/06) ⁽¹⁾

(Community trade mark — Invalidity proceedings — Multi-coloured Community figurative marks GENERAL OPTICA — Earlier business name Generalóptica — Relative ground for refusal — Local significance of the earlier sign — Articles 8(4) and 52(1)(c) of Regulation (EC) No 40/94)

(2009/C 113/64)

Language of the case: English

Parties

Applicant: Alberto Jorge Moreira da Fonseca, L^{da} (Santo Tirso, Portugal) (represented by: M. Oehen Mendes and D. Jeffries, lawyers)

Defendant: Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by: J. Novais Gonçalves, acting as Agent)

Other party to the proceedings before the Board of Appeal of OHIM intervening before the Court of First Instance: General Óptica, SA (Barcelona, Spain) (represented by: M. Curell Aguilà and X. Fàbrega Sabaté, lawyers)

Re:

Four actions brought against the decisions of the First Board of Appeal of OHIM of 8 August 2006 (Cases R 944/2005-1, R 945/2005-1, R 946/2005-1 and R 947/2005-1), concerning four sets of invalidity proceedings between Alberto Jorge Moreira da Fonseca, L^{da} and General Óptica, SA

Operative part of the judgment

The Court:

1. Dismisses the actions.
2. Orders Alberto Jorge Moreira da Fonseca, L^{da} to pay the costs.

⁽¹⁾ OJ C 236, 30.12.2006.

Judgment of the Court of First Instance of 25 March 2009
— Alcoa Trasformazioni v Commission

(Case T-332/06) ⁽¹⁾

(State aid — Electricity — Preferential tariff — Decision initiating the procedure under Article 88(2) EC — Admissibility — Notion of State aid — New aid or existing aid — Advantage — Statement of reasons — Legitimate expectations — Legal certainty)

(2009/C 113/65)

Language of the case: English

Parties

Applicant: Alcoa Trasformazioni Srl (Portoscuso, Italy) (represented by: M. Siragusa, T. Müller-Ibold, F. Salerno and T. Graf, lawyers)

Defendant: Commission of the European Communities (represented by: N. Khan, E. Righini and C. Urraca Caviedes, acting as Agents)

Re:

Application for annulment of Commission Decision 2006/C 214/03, notified to the Italian Republic by letter of 19 July 2006, initiating the procedure laid down in Article 88(2) EC, concerning State aid C 36/06 (ex NN 38/06) — Preferential electricity tariff to energy intensive industries in Italy, in so far as that decision relates to the electricity tariffs applicable to the two primary aluminium plants owned by Alcoa Trasformazioni.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Alcoa Trasformazioni Srl to bear its own costs and to pay those incurred by the Commission.

⁽¹⁾ OJ C 326, 30.12.2006.