

*Interveners in support of the defendant:* Bertelsmann AG (Gütersloh, Germany) (represented by: P. Chappatte and J. Boyce, Solicitors); Sony BMG Music Entertainment BV (Vianen, Netherlands); and Sony Corporation of America (New York, New York, United States) (represented by N. Levy, Barrister, and by R. Snelders and T. Graf, lawyers)

**Re:**

Application for annulment of Commission Decision 2005/188/EC of 19 July 2004 declaring a concentration to be compatible with the common market and the functioning of the EEA Agreement (Case No COMP/M.3333 — Sony/BMG) (OJ 2005 L 62, p. 30).

**Operative part of the order**

1. *There is no longer any need to adjudicate on the present action.*
2. *Each party is to bear its own costs, both before the Court of First Instance and before the Court of Justice.*

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<sup>(1)</sup> OJ C 6, 8.1.2005.

**Order of the Court of First Instance of 26 June 2009 —  
Marcuccio v Commission**

(Case T-114/08 P) <sup>(1)</sup>

*(Appeal — Staff cases — Officials — Reasonable time for the submission of a claim for compensation — Lateness — Appeal in part manifestly inadmissible and in part manifestly unfounded)*

(2009/C 205/70)

*Language of the case: Italian*

**Parties**

*Appellant:* Luigi Marcuccio (Tricase, Italy) (represented by: G. Cipressa, lawyer)

*Other party to the proceedings:* Commission of the European Communities (represented by: J. Currall and C. Berardis-Kayser, acting as Agents, assisted by A. Dal Ferro, lawyer)

**Re:**

Appeal against the order of the Civil Service Tribunal of the European Union (First Chamber) of 14 December 2007 in Case F-21/07 *Marcuccio v Commission*, not yet published in the ECR, seeking the annulment of that order

**Operative part of the order**

*The Court:*

1. *dismisses the appeal;*
2. *orders Mr Luigi Marcuccio to bear his own costs and to pay those incurred by the Commission of the European Communities in the present case.*

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<sup>(1)</sup> OJ C 107, 26.4.2008.

**Order of the Court of First Instance of 30 June 2009 —  
Securvita v OHIM (Natur-Aktien-Index)**

(Case T-285/08) <sup>(1)</sup>

*(Community trade mark — Application for the Community word mark Natur-Aktien-Index — Absolute ground for refusal — Lack of distinctive character — Article 7(1)(b) of Regulation (EC) No 40/94 (now Article 7(1)(b) of Regulation (EC) No 207/2009) — Request for an amendment — Manifest inadmissibility)*

(2009/C 205/71)

*Language of the case: German*

**Parties**

*Applicant:* Securvita — Gesellschaft zur Entwicklung alternativer Versicherungskonzepte mbH (Hamburg, Germany) (represented by: M. van Eendenburg, C. Uhlig and J. Nabert, lawyers)

*Defendant:* Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by: S. Schäffner, acting as Agent)

**Re:**

Action brought against the decision of the Fourth Board of Appeal of OHIM of 26 May 2008 (Case R 525/2007-4), concerning an application for the registration of the word sign Natur-Aktien-Index as a Community trade mark

**Operative part of the judgment**

*The Court:*

1. *dismisses the action as manifestly inadmissible;*
2. *orders Securvita Gesellschaft zur Entwicklung alternativer Versicherungskonzepte mbH to pay the costs.*

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<sup>(1)</sup> OJ C 247, 27.9.2008.