

2. *Orders Deutsche Behindertenhilfe — Aktion Mensch eV to pay the costs.*

(¹) OJ C 102 of 1.5.2009.

Judgment of the General Court of 30 September 2010 — Kadi v Commission

(Case T-85/09) (¹)

(Common foreign and security policy — Restrictive measures directed against certain persons and entities associated with Usama bin Laden, the Al-Qaeda network and the Taliban — Regulation (EC) No 881/2002 — Freezing of a person's funds and economic resources as a result of his inclusion in a list drawn up by a body of the United Nations — Sanctions Committee — Subsequent inclusion in Annex I to Regulation No 881/2002 — Action for annulment — Fundamental rights — Right to be heard, right to effective judicial review and right to respect for property)

(2010/C 317/52)

Language of the case: English

Parties

Applicant: Yassin Abdullah Kadi (Jeddah, Saudi Arabia) (represented by: D. Anderson QC, M. Lester, Barrister and G. Martin, Solicitor)

Defendant: European Commission (represented initially by: P. Hetsch, P. Aalto and F. Hoffmeister, and, subsequently, by P. Hetsch, F. Hoffmeister and E. Paasivirta, Agents)

Interveners in support of the defendant: Council of the European Union (represented by: M. Bishop, E. Finnegan and R. Szostak, Agents), French Republic (represented by: G. de Bergues and L. Butel, Agents), United Kingdom of Great Britain and Northern Ireland (represented by: S. Behzadi-Spencer and E. Jenkinson, Agents, assisted by D. Beard, Barrister)

Re:

Application for annulment of Commission Regulation (EC) No 1190/2008 of 28 November 2008 amending for the 101st time Council Regulation (EC) No 881/2002 imposing certain specific restrictive measures directed against certain persons and entities associated with Usama bin Laden, the Al-Qaeda network and the Taliban (OJ 2008 L 322, p. 25), in so far as it concerns the applicant

Operative part of the judgment

The Court:

1. *Annuls Commission Regulation (EC) No 1190/2008 of 28 November 2008 amending for the 101st time Council Regulation*

(EC) No 881/2002 imposing certain specific restrictive measures directed against certain persons and entities associated with Usama bin Laden, the Al-Qaeda network and the Taliban, in so far as it concerns Mr Yassin Abdullah Kadi;

2. *Orders the European Commission, in addition to bearing its own costs, to pay those incurred by Mr Kadi;*

3. *Orders the Council of the European Union, the French Republic and the United Kingdom of Great Britain and Northern Ireland to bear their own costs.*

(¹) OJ C 90, 18.4.2009.

Order of the General Court of 5 October 2010 — Strategi Group v OHIM — RBI (STRATEGI)

(Case T-92/09) (¹)

(Community trade mark — Opposition proceedings — Application for the Community word mark STRATEGI — Earlier national word mark Stratégies — Relative ground for refusal — Proof of use of the earlier trade mark — Article 43(2) of Regulation (EC) No 40/94 (now Article 42(2) of Regulation (EC) No 207/2009) and Rule 22 of Regulation (EC) No 2868/95))

(2010/C 317/53)

Language of the case: English

Parties

Applicant: Strategi Group Ltd (Manchester, United Kingdom) (represented by: N. Saunders, Barrister)

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

Other party to the proceedings before the Board of Appeal of OHIM intervening before the General Court: Reed Business Information (RBI) (Issy-les-Moulineaux, France) (represented by: A. Messas, lawyer)

Re:

Action brought against the decision of the Second Board of Appeal of OHIM of 18 December 2008 (Case R 1581/2007-2), relating to opposition proceedings between Reed Business Information (RBI) and Strategi Group Ltd.

Operative part of the order

The Court:

1. *Dismisses the action;*

2. *Orders Strategi Group Ltd to pay the costs.*

(¹) OJ C 113, 16.5.2009.

**Judgment of the General Court of 7 October 2010 —
Commission v Gal-Or**

(Case T-136/09) (¹)

(Arbitration clause — Contract for financial assistance concluded under a specific research and technological development programme in the field of non-nuclear energy — Failure to comply with the contract — Reimbursement of advance payments — Default interest — Default procedure)

(2010/C 317/54)

Language of the case: English

Parties

Applicant: European Commission (represented by: A.-M. Rouchaud-Joët and F. Mirza, Agents, by B. Katan and M. van der Woude, lawyers, and subsequently by B. Katan)

Defendant: Benjamin Gal-Or (Jupiter, Florida, United States)

Re:

Action on the basis of an arbitration clause, seeking an order that Mr Gal-Or reimburse the amount of EUR 205 611 advanced to him by the Commission in the context of contract IN/0042/97, together with default interest, and for payment of default interest on the amount of EUR 9 231,25, which is the amount of the costs incurred in an action brought by Mr Gal-Or against the Commission before the courts in the Netherlands.

Operative part of the judgment

The Court:

1. *Orders Mr Benjamin Gal-Or to pay to the European Commission the principal amount owing of EUR 205 611, together with interest at the rate of:*

- 2,75 % from 2 March 2003;
- 2,50 % from 7 March 2003;
- 2,00 % from 6 June 2003;
- 2,25 % from 6 December 2005;
- 2,50 % from 8 March 2006;
- 2,75 % from 15 June 2006;
- 3,00 % from 9 August 2006;

— 3,25 % from 11 October 2006;

— 3,50 % from 13 December 2006;

— 3,75 % from 14 March 2007;

— 4,00 % from 13 June 2007;

— 4,25 % from 9 July 2008;

— 3,75 % from 15 October 2008;

— 3,25 % from 12 November 2008;

— 2,50 % from 10 December 2008;

— 2,00 % from 21 January 2009;

— 1,50 % from 11 March 2009;

— 1,25 % from 8 April 2009;

— 1,00 % from 13 May 2009;

2. *Dismisses the action as to the remainder;*

3. *Orders Mr Gal-Or to pay the costs.*

(¹) OJ C 141, 20.6.2009.

**Judgment of the General Court of 7 October 2010 —
Accenture Global Services v OHIM — Silver Creek
Properties (ascensa)**

(Case T-244/09) (¹)

(Community trade mark — Opposition proceedings — Application for Community figurative mark ascensa — Earlier Community and national word and figurative marks ACCENTURE and accenture — Relative ground for refusal — No likelihood of confusion — No similarity of signs — Article 8(1)(b) of Regulation (EC) No 40/94 (now Article 8(1)(b) of Regulation (EC) No 207/2009) — Obligation to state reasons — Article 73 of Regulation No 40/94 (now Article 75 of Regulation No 207/2009))

(2010/C 317/55)

Language of the case: English

Parties

Applicant: Accenture Global Services GmbH (Schaffhausen, Switzerland) (represented by: R. Niebel, lawyer)

Defendant: Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by: Ó. Mondéjar Ortuño, Agent)