

Articles [81 and 82 EC] (O) 2004 L 123, p. 18) and rejecting, for lack of Community interest, the complaint lodged by the applicant concerning infringements of Article 82 EC allegedly committed by Pernod Ricard.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Protégé International Ltd to bear its own costs and to pay those incurred by the European Commission;
3. Orders Pernod Ricard SA to bear its own costs.

(¹) OJ C 113, 16.5.2009.

Judgment of the General Court of 13 September 2012 — Italy v Commission

(Case T-379/09) (¹)

(State aid — Exemption from excise duty on diesel used to heat glasshouses — Decision declaring the aid scheme incompatible with the common market and ordering the recovery of the aid paid — Duty to state reasons — Selective nature — Effect on trade between Member States — Effect on competition — Directive 92/81/EEC — Directive 2003/96/EC — Community framework for State aid for the protection of the environment)

(2012/C 319/10)

Language of the case: Italian

Parties

Applicant: Italian Republic (represented by: F. Arena, G. Palmieri and F. Varrone, avvocati dello Stato)

Defendant: European Commission (represented by: B. Stromsky and D. Grespan, acting as Agents)

Re:

Application for annulment of Commission Decision 2009/944/EC of 13 July 2009 on State aid schemes C 6/04 (ex NN 70/01) and C 5/05 (ex NN 71/04) implemented by Italy in favour of glasshouse growers (exemption from excise duty on diesel used to heat glasshouses) (OJ 2009 L 327, p. 6).

Operative part of the judgment

The Court:

1. Dismisses the action;

2. Orders the Italian Republic to pay the costs.

(¹) OJ C 282, 21.11.2009.

Judgment of the General Court of 13 September 2012 — National Lottery Commission v OHIM

(Case T-404/10) (¹)

(Community trade mark — Invalidity proceedings — Community figurative mark representing a hand — Article 53(2)(c) of Regulation (EC) No 207/2009 — Existence of earlier copyright protected by national law — Burden of proof — Application by OHIM of national law — Review)

(2012/C 319/11)

Language of the case: English

Parties

Applicant: National Lottery Commission (London, United Kingdom) (represented by: B. Brandreth, Barrister)

Defendant: Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by: G. Mannucci and J. Crespo Carrillo, acting as Agents)

Other parties to the proceedings before the Board of Appeal of OHIM: Mediatek Italia Srl (Naples, Italy) and Giuseppe De Gregorio (Naples)

Re:

Action brought against the decision of the First Board of Appeal of OHIM of 9 June 2010 (Case R 1028/2009-1) relating to invalidity proceedings between, on the one hand, Mediatek Italia Srl and Giuseppe De Gregorio and, on the other, the National Lottery Commission

Operative part of the judgment

The Court:

1. Annuls the decision of the First Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM) of 9 June 2010 (Case R 1028/2009-1);
2. Orders OHIM to pay the costs, including those incurred by the National Lottery Commission in the proceedings before the Board of Appeal.

(¹) OJ C 328, 4.12.2010.