Judgment of the Court of First Instance of 23 September 2009 — Estonia v Commission

(Case T-263/07) ([1])

(Environment — Directive 2003/87/EC — Emissions trading system for greenhouse gases — National plan allocating emissions allowances for Estonia for the period from 2008 to 2012 — Respective powers of the Member States and the Commission — Equal treatment — Article 9(1) and (3) and Article 11(2) of Directive 2003/87)

(2009/C 267/102)

Language of the case: Estonian

Parties

Applicant: Republic of Estonia (represented by: L. Uibo, acting as Agent)

Defendant: Commission of the European Communities (represented by: U. Wölker and T. Tamme, lawyers)

Interveners in support of the applicant: Republic of Lithuania (represented by: D. Kriaučiūnas, acting as Agent); and the Slovak Republic (represented initially by J. Čorba, and subsequently by B. Ricziová, acting as Agents)

Intervener in support of the defendant: United Kingdom of Great Britain and Northern Ireland (represented initially by: Z. Bryanston-Cross, subsequently by L. Seeboruth, and finally by S. Ossowski, acting as Agents, assisted by J. Maurici, barrister)

Re:

Application for the annulment of the Commission Decision of 4 May 2007 concerning the national allocation plan for the allocation of greenhouse gas emission allowances notified by the Republic of Estonia for the period from 2008 to 2012, in accordance with European Parliament and Council Directive 2003/87/EC of 13 October 2003 establishing a scheme for greenhouse gas emission allowance trading within the Community and amending Council Directive 96/61/EC (OJ 2003 L 275, p. 32).

Operative part of the judgment

The Court:

1. *Annuls the Commission Decision of 4 May 2007 concerning the national allocation plan for the allocation of greenhouse gas emission allowances notified by the Republic of Estonia for the period from 2008 to 2012, pursuant to European Parliament and Council Directive 2003/87/EC of 13 October 2003 establishing a scheme for greenhouse gas emission allowance trading within the Community and amending Council Directive 96/61/EC.*

2. *Orders the Commission to bear its own costs and to pay those incurred by the Republic of Estonia.*

3. *Orders the Republic of Lithuania, the Slovak Republic and the United Kingdom of Great Britain and Northern Ireland to bear their own costs.*

([1]) OJ C 223, 22.9.2007 (Correcting entry OJ C 247, 20.10.2007).

Judgment of the Court of First Instance of 23 September 2009 — Viñedos y Bodegas Príncipe Alfonso de Hohenlohe v OHIM — Byass (ALFONSO)

(Case T-291/07) ([1])

(Community trade mark — Opposition proceedings — Application for the Community word mark ALFONSO — Earlier Community and national word marks PRINCIPE ALFONSO — Relative ground for refusal — Likelihood of confusion — Article 8(1)(b) of Regulation (EC) No 40/94 (now Article 8(1)(b) of Regulation (EC) No 207/2009) — Scope of the examination to be carried out by the Board of Appeal — Obligation to rule on the entirety of the action — Article 62(1) of Regulation No 40/94 (now Article 64(1) of Regulation No 207/2009)

(2009/C 267/103)

Language of the case: Spanish

Parties

Applicant: Viñedos y Bodegas Príncipe Alfonso de Hohenlohe, SA (Cenicero, Spain) (represented by: M. Lobato García-Miján and B. Díaz de Escauriaza, lawyers)

Defendant: Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by: S. Palmero Cabezas and J. Laporta Insa, acting as Agents)

Other party to the proceedings before the Board of Appeal of OHIM: González Byass, SA (Cádiz, Spain)

Re:

Action brought against the decision of the Second Board of Appeal of OHIM of 29 May 2007 (Case R 1110/2006-2) relating to opposition proceedings between Viñedos y Bodegas Príncipe Alfonso de Hohenlohe, SA and González Byass, SA

Operative part of the judgment

The Court:

1. *annuls the decision of the Second Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM) of 29 May 2007 (Case R 1110/2006-2);*

2. *orders OHIM to pay the costs.*

([1]) OJ C 235, 6.10.2007.