

**Judgment of the General Court of 13 November 2012 —
Antrax It v OHIM — THC (Radiators for heating)**

(Joined Cases T-83/11 and T-84/11) ⁽¹⁾

(Community design — Invalidity proceedings — Registered Community designs representing thermosiphons for the purposes of radiators for heating — Earlier design — Ground for invalidity — Lack of individual character — Overall impression not different — Article 6 and Article 25(1)(b) of Regulation (EC) No 6/2002 — No scope for innovation — Obligation to state reasons)

(2012/C 399/32)

Language of the case: Italian

Parties

Applicant: Antrax It Srl (Resana, Italy) (represented by: L. Gazzola, lawyer)

Defendant: Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by: G. Mannucci and A. Folliard-Monguiral initially, then A. Folliard-Monguiral and F. Mattina, Agents)

Other party to the proceedings before the Board of Appeal of OHIM, intervening before the General Court: The Heating Company (THC) (Dilsen, Belgium) (represented by: J. Haber, lawyer)

Re:

Action brought against the decision of the Third Board of Appeal of OHIM of 2 November 2010 (Cases R 1451/2009-3 and R 1452/2009-3) relating to invalidity proceedings between The Heating Company (THC) and Antrax It Srl.

Operative part of the judgment

The Court:

1. Annuls the decisions of the Third Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM) of 2 November 2010 (Cases R 1451/2009-3 and R 1452/2009-3) in so far as they declared invalid the designs Nos 000593959-0001 and 000593959-0002;
2. Dismisses the actions as to the remainder;
3. Orders OHIM, in addition to bearing its own costs, to pay the costs incurred by Antrax It Srl in the proceedings before the General Court;
4. Orders The Heating Company (THC), in addition to bearing its own costs before the General Court, to pay those incurred by Antrax It in the proceedings before the Board of Appeal.

⁽¹⁾ OJ C 113, 9.4.2011.

**Judgment of the General Court of 7 November 2012 —
Giordano v Commission**

(Case T-114/11) ⁽¹⁾

(Non-contractual liability — Fisheries — Conservation of fisheries resources — Recovery of bluefin tuna stocks — Emergency measures prohibiting fishing by purse seiners — Unlawful conduct — Causal link)

(2012/C 399/33)

Language of the case: French

Parties

Applicant: Jean-François Giordano (Sète, France) (represented by: D. Rigeade and J. Jeanjean, lawyers)

Defendant: European Commission (represented by: A. Bouquet and D. Nardi, acting as Agents)

Re:

Action for damages seeking compensation for the losses allegedly suffered following the adoption of Commission Regulation (EC) No 530/2008 of 12 June 2008 establishing emergency measures as regards purse seiners fishing for bluefin tuna in the Atlantic Ocean, east of longitude 45° W, and in the Mediterranean Sea (OJ 2008 L 155, p. 9)

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Jean-François Giordano to pay the costs.

⁽¹⁾ OJ C 139, 7.5.2011.

**Judgment of the General Court of 8 November 2012 —
Commission v Strack**

(Case T-268/11 P) ⁽¹⁾

(Appeal — Civil Service — Officials — Leave — Sick leave — Annulment at first instance of the Commission's decision refusing to carry over days of annual leave not taken by the person concerned — Article 4 of Annex V to the Staff Regulations — Article 1e(2) of the Staff Regulations — Directive 2003/88/EC — Appeal well founded — Whether the state of the proceedings permits final judgment to be given — Dismissal of the action)

(2012/C 399/34)

Language of the case: German

Parties

Appellant: European Commission (represented by: B. Eggers and J. Currall, acting as Agents)