**Re:**

APPLICATION for annulment of Commission Decision C(2006) 465 Final of 23 February 2006 ordering the reimbursement of the advance, together with interest, paid under a contract for financial assistance, concluded under the Prince programme, for an operation entitled 'The EURO — its genuine and essential impact on school children' (Eurogenesis), concerning preparation for the introduction of the euro in schools.

**Operative part**

The Court:

1. Dismisses the action;

2. Orders KEK Diavlos to pay the costs.

**Judgment of the General Court (Third Chamber) of 19 March 2010 — Mirto Corporación Empresarial v OHIM — Maglificio Barbara (Mirtillino)**

**(Case T-427/07)**

(Community trade mark — Opposition proceedings — Application for Community figurative mark Mirtillino — Earlier Community word mark MIRTO — 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))

*Community trade mark — Definition and acquisition of the Community trade mark — Relative grounds for refusal — Opposition by the proprietor of an earlier identical or similar mark registered for identical or similar goods or services — Likelihood of confusion with the earlier mark (Council Regulation No 40/94, Art. 8(1)(b)) (see paras 40-42, 81)*

**Re:**

ACTION brought against the decision of the Second Board of Appeal of OHIM of 29 August 2007 (Case R 875/2006-2), relating to opposition proceedings between Creaciones Mirto SA and Maglificio Barbara Srl.

## Information relating to the case

| | |
|---|---|
| Applicant for the Community trade mark: | Maglificio Barbara Srl |
| Community trade mark sought: | Figurative mark Mirtillino for goods in Classes 3, 18 and 25 — application No 3252467 |
| Proprietor of the mark or sign cited in the opposition proceedings: | Creaciones Mirto, SA; the applicant following transfer of the marks at issue in the opposition proceedings |
| Mark or sign cited in opposition: | Word mark MIRTO (Community trade mark No 1653351) for goods in Classes 3, 18 and 25 and various other national word and figurative marks MIRTO |
| Decision of the Opposition Division: | Opposition partly upheld |
| Decision of the Board of Appeal: | Annulment of the decision under appeal and dismissal of the opposition |

## Operative part

The Court:

1. Dismisses the action;

2. Orders Mirto Corporación Empresarial, SL to pay the costs.