2. *Appeals — Grounds — Error of law relied on not identified — Inadmissibility (Art. 256 TFEU; Statute of the Court of Justice, Art. 58, first para.; Rules of Procedure of the Court of Justice, Art. 112(1)(c)) (see para. 36)*

Re:

Appeal against the judgment of the Court of First Instance (Sixth Chamber) of 11 November 2009 in Case T-150/08 *REWE-Zentral* v *OHIM*, by which that court dismissed the action for annulment brought against the decision of the Fourth Board of Appeal of OHIM of 15 February 2008 refusing the registration of the word sign 'Clina' as a Community trade mark for certain goods in Classes 3 and 21 by upholding the opposition brought by the proprietor of the earlier Community word mark 'CLINAIR' — Likelihood of confusion of two marks — Failure to carry out a global assessment of the relevant factors in examining the likelihood of confusion — Infringement of Article 8(1)(b) of Regulation (EC) No 40/94.

Operative part

1. The appeal is dismissed.

2. REWE-Zentral AG is ordered to pay the costs.

Judgment of the Court (Eighth Chamber) of 28 October 2010 — Commission v Greece

(Case C-500/09)

(Failure of a Member State to fulfil obligations — Postal services — Directive 97/67/EC — National restrictions — Express courier undertakings — National licensing system)

Actions for failure to fulfil obligations — Examination of the merits by the Court — Situation to be taken into consideration — Situation on expiry of the period laid down in the reasoned opinion (Art. 226 CE) (see paras 17-20)

Re:

Failure of a Member State to fulfil obligations — Infringement of Directive 97/67/EC of the European Parliament and of the Council of 15 December 1997 on common rules for the development of the internal market of Community postal services and the improvement of quality of service (OJ 1998 L 15, p. 14).

Operative part

1. Declares that, by continuing to apply Ministerial Decree No A1/44351/3608 of 12 October 2005, the Hellenic Republic has failed to fulfil its obligations under Directive 97/67/EC of the European Parliament and of the Council of 15 December 1997 on common rules for the development of the internal market of Community postal services and the improvement of quality of service, as amended by Directive 2002/39/EC of the European Parliament and of the Council of 10 June 2002, and in particular Article 9(1) and (2) thereof;

2. Orders the Hellenic Republic to pay the costs.