Operative part

1. The application for interim measures is dismissed.

2. Costs are reserved.

Judgment of the General Court (Seventh Chamber) of 27 October 2010 — Michalakopoulou Ktimatiki Touristiki v OHIM — Free (FREE)

(Case T-365/09)

(Community trade mark — Opposition proceedings — Application for the Community word mark FREE — Earlier national word mark FREE and earlier national figurative mark free LA LIBERTÉ N'A PAS DE PRIX — Relative ground for refusal — Likelihood of confusion — Similarity of the signs — Article 8(1)(b) of Regulation (EC) No 207/2009)

1. *Actions for annulment — Jurisdiction of the Community judicature — Death of a natural person or cessation of existence of a legal person addressee of a decision of a Community institution — Action for annulment capable of being pursued and right to bring an action capable of being exercised by successor to assets and liabilities (Art. 230, fourth para., EC) (see paras 20-21)*

2. *Community trade mark — Procedural provisions — Statement of reasons for decisions — Decision upholding the opposition without taking into account all the grounds relied upon (Council Regulation No 207/2009, Art. 75, first sentence) (see paras 23-25)*

3. *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 207/2009, Art. 8(1)(b)) (see paras 43-44)*

Re:

ACTION brought against the decision of the First Board of Appeal of OHIM of 11 June 2009 (Case R 1346/2008-1) relating to opposition proceedings between Free SAS and Eidikes Ekdoseis AE.

Information relating to the case

Applicant for the Community trade mark:	Michalakopoulou Ktimatiki Touristiki AE
Community trade mark sought:	Word mark FREE for goods in Class 16 — Application No 3426442
Proprietor of the mark or sign cited in the opposition proceedings:	Free SAS
Mark or sign cited in opposition:	French trade mark registration of the word mark FREE for services in Class 38; French trade mark registration of the figurative mark free - LA LIBERTÉ N'A PAS DE PRIX for services in Classes 35 and 38

Decision of the Opposition Division:	Opposition dismissed
Decision of the Board of Appeal:	Decision of the Opposition Division annulled; Community trade mark application dismissed in its entirety

Operative part

1. Dismisses the action;

2. Orders Michalakopoulou Ktimatiki Touristiki AE to bear its own costs and to pay those incurred by the Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM) and Free SAS in the proceedings before the Court.

Judgment of the General Court (Sixth Chamber) of 28 October 2010 — Spain v Commission

(Case T-227/07)

(EAGGF — Guarantee Section — Expenditure excluded from Community financing — Production aid intended for tomato processors — Spot checks over sufficient periods — Proportionality)

1. *Agriculture — EAGGF — Clearance of accounts — Disallowance of expenditure arising from irregularities in the application of the Community rules — Challenge by the Member State concerned — Burden of proof — Allocation between the*