2. *Economic and social cohesion — Structural assistance — Community financing — Decision to reduce financial aid by reason of irregularities — Financial consequences not ascertainable — Flat-rate correction — Breach of principle of proportionality — None (Council Regulation No 1260/1999, Art. 39(3)) (see paras 36-38)*

Re:

APPLICATION for annulment of Commission Decision C(2009) 9827 of 10 December 2009 applying financial corrections to the EAGGF assistance, Guidance Section, awarded to the operational programme CCI 2000.ES.16.1.PO.007 (Spain, Castilla y León) in relation to the measure improving processing and marketing of agricultural products.

Operative part

The Court:

1. Dismisses the action;

2. Orders the Kingdom of Spain to pay the costs.

Judgment of the General Court (Seventh Chamber) of 22 September 2011 — ara v OHIM — Allrounder (A with two rectangular motifs)

(Case T-174/10)

(Community trade mark — Opposition procedure — International registration covering the European Community — Figurative mark A with two triangular motifs — Earlier national word mark A — Relative ground for refusal — No likelihood of confusion — 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 207/2009, Art. 8(1)(b)) (see paras 22-24, 38)

Re:

ACTION brought against the decision of the First Board of Appeal of OHIM of 26 January 2010 (Case R 481/2009-1) concerning opposition proceedings between ara AG and Allrounder SARL.

Operative part

The Court:

1. Dismisses the action;

2. Orders ara AG to pay the costs.

Judgment of the General Court (Fifth Chamber) of 23 September 2011 — Vion v OHIM (PASSION FOR BETTER FOOD)

(Case T-251/08)

(Community trade mark — Application for Community word mark PASSION FOR BETTER FOOD — Absolute ground for refusal — Lack of distinctiveness — Article 7(1)(b) of Regulation (EC) No 40/94 (now Article 7(1)(b) of Regulation (EC) No 207/2009)

Community trade mark — Definition and acquisition of the Community trade mark — Absolute grounds for refusal — Marks devoid of any distinctive character (Council Regulation No 40/94, Art. 7(1)(b)) (see paras 18-19, 27-28)