Operative part

1. The appeal is dismissed.

2. Mr Kallianos is ordered to pay the costs.

Order of the Court (Seventh Chamber) of 20 March 2007 — Galileo International Technology and Others v Commission

(Case C-325/06 P)

Appeals — Community project for a satellite navigation system (GALILEO) — Harm suffered by the proprietors of trade marks and business names containing the word Galileo — Appeal partly manifestly admissible and partly manifestly unfounded

1. *Approximation of laws — Trade marks — Interpretation of Regulation No 40/94 and Directive 89/104 — Right of the proprietor of a trade mark to oppose the unlawful use of his mark — Use of the sign in business — Concept (Council Regulation No 40/94, Art. 9(1)(b); Council Directive 89/104, Art. 5(1)(b)) (see paras 32, 33)*

2. *Appeals — Grounds — Need for a precise criticism of a point in the reasoning of the Court of First Instance (Art. 225(1), EC; Statute of the Court of Justice, Art. 58, first para.; Rules of Procedure of the Court, Art. 112(1)(c)) (see paras 36-39)*

3. *Appeals — Grounds — Mistaken assessment of the facts — Inadmissibility — Review by the Court of Justice of the assessment of the evidence — Possible only where the clear sense of the evidence has been distorted (Art. 225(1), EC; Statute of the Court of Justice, Art. 58, first para.,) (see paras 60, 70, 71)*

4. *Non-contractual liability — Conditions — Legal measure — Real damage, causal link and unusual and special damage — Cumulative (Art. 288, second para., EC) (see paras 77, 78)*

Re:

Appeal brought against the judgment of the Court of First Instance (Second Chamber, Extended Composition) of 10 May 2006 in Case T-279/03 *Galileo International Technology and Others* v *Commission* by which the Court dismissed an application seeking, first, an order that the Commission cease to use the term Galileo in relation to the Community project for a global satellite navigation system and to encourage others to use that term, and, second, for compensation for the loss allegedly suffered by the applicants on account of the use and promotion of that term by the Commission, which they claimed to be identical to trade marks registered by them and to their business names.

Operative part

1. The appeal is dismissed.

2. Galileo International Technology LLC, Galileo International LLC, Galileo Belgium SA, Galileo Danmark A/S, Galileo Deutschland GmbH, Galileo España SA, Galileo France SARL, Galileo Nederland BV, Galileo Nordiska AB, Galileo Portugal Ltd, Galileo Sigma Srl, Galileo International Ltd, The Galileo Co. and Timas Ltd are ordered to pay the costs.

Order of the Court (Sixth Chamber) of 27 March 2007 — TeleTech Holdings v OHIM

(Case C-312/05 P)

Appeal — Community trade mark — Regulation (EC) No 40/94 — Community word mark — Application for declaration of invalidity — Earlier national word mark

Community trade mark — Procedural provisions (Council Regulation No 40/94, Arts 52 and 74(1)) (see paras 40-42)

Re:

Appeal lodged against the judgment of the Court of First Instance (Second Chamber) of 25 May 2005 in Case T-288/03 *TeleTech Holdings* v *OHIM* (intervener: Teletech International SA), in which the Court of First Instance dismissed the appeal against a decision of the First Board of Appeal of the Office of Harmonization in the Internal Market (OHIM) which had upheld in part an application for a declaration of invalidity regarding the Community trade mark 'TELETECH GLOBAL VENTURES' brought by Teletech International SA as holder of the national trade mark 'TELETECH INTERNATIONAL'.