Re:

ACTION brought against the decision of the Second Board of Appeal of OHIM of 6 August 2004 (Case R 912/2002-2) concerning the application for registration as a Community trade mark of the word sign Caipi.

Information relating to the case

Applicant for the Community trade mark:	Borco-Marken-Import Matthiesen GmbH & Co. KG
Community trade mark sought:	Word mark Caipi for products in Class 33 — Application No 2655667
Decision of the Examiner:	Refusal of registration
Decision of the Board of Appeal:	Appeal dismissed

Operative part

The Court:

1. Dismisses the action;

2. Orders the applicant to pay the costs.

Judgment of the Court of First Instance (Single Judge) of 23 October 2007 — Commission v Impetus

(Case T-138/05)

Arbitration clause — Framework programmes for activities in the field of research and technological development — Contracts concerning projects in the field of telematics applications of common interest — Lack of supporting documentation and failure of part of the declared expenditure to comply with the contractual provisions — Repayment of sums paid

Procedure— Referral to the Court of First Instance under an arbitration clause (Art. 238 EC; European Parliament and Council Decision No 1110/94; Council Decision 90/221) (see paras 69-78, 94-104, 125-133)

Re:

APPLICATION, pursuant to an arbitration clause within the meaning of Article 238 EC, for an order against Impetus Simvouloi Mikhanikoi — Kainotomia kai Tekhnologia EPE to repay part of the sums paid to it by the European Community under the Invite (Inland Navigation Telematics) contract (reference COP 493) and under the Ausias (ATT in Urban Sites with Integration and Standardisation) contract (reference TR 1006), concluded in the framework of Decision No 1110/94/EC of the European Parliament and of the Council of 26 April 1994 concerning the fourth framework programme of the European Community activities in the field of research and technological development and demonstration (1994 to 1998) (OJ 1994 L 126, p. 1), and part of the sums paid under the Artis (Advanced Road Transport Informatics in Spain) contract (reference V 2043), concluded in the framework of Council Decision 90/221/Euratom, EEC of 23 April 1990 concerning the framework programme of Community activities in the field of research and technological development (1990 to 1994) (OJ 1990 L 117, p. 28).

Operative part

The Court:

1. Dismisses the Commission's claim for repayment of the sum of EUR 136 037.30 under the Invite (Inland Navigation Telematics) contract (reference COP 493);

2. Orders Impetus Simvouloi Mikhanikoi — Kainotomia kai Tekhnologia EPE, under the Ausias (ATT in Urban Sites with Integration and Standardisation) contract (reference TR 1006), to pay to the Commission the sum of EUR 14 678.41 by way of principal sum, together with interest for late payment, at the statutory annual rate applicable in Spain, from 15 November 2002 until payment in full of the debt;

3. Orders Impetus Simvouloi Mikhanikoi — Kainotomia kai Tekhnologia EPE, under the Artis (Advanced Road Transport Informatics in Spain) contract (reference V 2043), to pay to the Commission the sum of EUR 9 230.77 by way of principal sum, together with interest for late payment, at the statutory annual rate applicable in Spain, from 29 January 2003 until payment in full of the debt;

4. Orders each party to bear its own costs.

Judgment of the Court of First Instance (Fifth Chamber, Extended Composition) of 25 October 2007 — Riva Acciaio v Commission

(Case T-45/03)

Agreements, decisions and concerted practices — Producers of reinforcing bars — Decision establishing an infringement of Article 65 CS — Decision based on the ECSC Treaty after expiry of that treaty — Lack of competence of the Commission

1. *ECSC — Agreements, decisions and concerted practices — Commission decision establishing an infringement of Article 65 CS after the expiry of that treaty (Art. 65(1), (4) and (5) CS; Council Regulation No 17, Arts 3 and 15(2)) (see paras 55, 57, 72, 73, 77)*

2. *ECSC — Agreements, decisions and concerted practices — Commission's competence under Article 65(4) and (5) CS to establish and penalise an infringement of Article 65(1) CS — Disappearance on expiry of the ECSC Treaty (Arts 65(1), (4) and (5) CS and 97 CS; Art. 305(1) EC; Merger Treaty) (see paras 89-92, 94, 96)*