1. *Community trade mark — Appeals procedure — Time-limit and form of appeal — Payment of the application fee after the deadline (Commission Regulation No 2869/95, Art. 8(3)) (see paras 37-43)*

2. *Community trade mark — Procedural provisions — Restitutio in integrum — Conditions — Vigilance required by the circumstances — Exceptional, and thus unforeseeable, events — Concept (Council Regulation No 207/09, Art. 81(1)) (see paras 53-54, 60-62)*

Re:

ACTION brought against the decision of the Fourth Board of Appeal of OHIM of 13 May 2009 (Case R 771/2008-4), relating to opposition proceedings between British-American Tobacco Polska S.A. and Romuald Sobieski zu Schwarzenberg.

Operative part

The Court:

1. Dismisses the action;

2. Orders Romuald Prinz Sobieski zu Schwarzenberg to pay the costs.

Judgment of the General Court (Eighth Chamber) of 15 September 2011 — CEVA v Commission

(Case T-285/09)

(Specific programme for research and technological development in the field of research into living resources — Project Seapura — Grant agreement — Arbitration clause — Application for the reimbursement of sums paid in advance under a research financing contract — Reminder letters — Action for annulment — Inadmissibility)

1. *Actions for annulment — Action relating in reality to a contractual dispute — Reclassification of the action — Not included (Arts 230 EC and 238 EC) (see paras 34-35)*

2. *Actions for annulment — Action relating in reality to a contractual dispute — Annulment of reminder letters from the Commission seeking repayment of a subsidy — Lack of jurisdiction of the EU judicature — Inadmissibility (Arts 230 EC and 249 EC) (see paras 45-48)*

Re:

APPLICATION for the annulment of the four reminder letters of the Commission dated 11 May 2009, by which it invited the applicant to reimburse the amount paid to it under a grant agreement concluded for a project to be carried out in the context of the specific programme for research and technological development, entitled 'Quality of Life and Management of Living Resources'.

Operative part

The Court:

1. Dismisses the action as inadmissible;

2. Orders the Centre d'étude et de valorisation des algues SA (CEVA) to pay the costs.

Order of the President of the General Court of 15 September 2011 — Hüttenwerke Krupp Mannesmann and Others v Commission

(Case T-379/11 R)

(Interim relief — Environment — Allocation of greenhouse gas emission allowances free of charge in accordance with Directive 2003/87/EC — Setting of the product benchmarks the subject of the Commission's decision — Application for interim measures — Admissibility — Urgency)