Re:

First, application for annulment of the decision of the European Agency for Reconstruction rejecting the tender made by the applicants in response to invitation to tender EuropeAid/124192/D/SUP/YU concerning the supply of equipment for medical waste management (OJ 2006 S 233 248826) and awarding the contract to another tenderer, and, second, application for damages.

Operative part

The Court:

1. Dismisses the action;

2. Orders CMB Maschinenbau & Handels GmbH and J. Christof GmbH to bear their own costs and those incurred by the European Commission.

Judgment of the General Court (Eighth Chamber) of 15 September 2011 — Prinz Sobieski zu Schwarzenberg v OHIM — British-American Tobacco Polska (Romuald Prinz Sobieski zu Schwarzenberg)

(Case T-271/09)

(Community trade mark — Opposition proceedings — Application for Community word mark Romuald Prinz Sobieski zu Schwarzenberg — Earlier national word mark JAN III SOBIESKI and earlier national figurative mark JAN III Sobieski — Failure to comply with the obligation to pay the application fee or to do so by bank transfer within the period prescribed — Decision of the Board of Appeal declaring the action to be unfounded — Article 8(3) of Regulation (EC) No 2869/95 — Application for restitutio in integrum — Lack of exceptional or unforeseeable circumstances — Article 81 of Regulation (EC) No 207/2009)

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)