

**Order of the Court of First Instance of 10 April 2008 —  
Imelios v Commission**

(Case T-97/07) <sup>(1)</sup>

*(Application for annulment — Action for damages — Fifth framework programme of the Community for research, technological development and demonstration activities (1998-2002) — Arbitration clause — Debit note — Inadmissible)*

(2008/C 158/26)

Language of the case: French

**Parties**

*Applicant:* Imelios SA (Velizy-Villacoublay, France) (represented by: C. Curtil, lawyer)

*Defendant:* Commission of the European Communities (represented by: C. Ladenburger and E. Manhaeve, agents)

**Re:**

First, application for annulment of the decision adopted by the Commission following an audit report by the European Anti-Fraud Office (OLAF) to recover, by way of the debit note of 17 January 2007, payments made in the framework of the contract, reference number IST-1999-10934-Assist relating to the 'Knowledge for Help Desk Operators' programme, concluded in the context of the Fifth Framework Programme of the Community for research, technological development and demonstration activities (1998-2002) in the field of user-friendly information, second, a request for payment of EUR 34 368 in respect of an instalment of a grant still to be paid under the contract and, third, a claim for compensation for damage allegedly suffered by the applicant as a result of that decision.

**Operative part of the order**

1. *The action is dismissed.*
2. *Imelios SA is to bear its own costs and pay those incurred by the Commission.*

<sup>(1)</sup> OJ C 129, 9.6.2007.

**Order of the Court of First Instance of 28 April 2008 —  
PubliCare Marketing Communications v OHIM (Publicare)**

(Case T-358/07) <sup>(1)</sup>

*(Community trade mark — Application for Community word mark Publicare — Time limit for bringing proceedings — Fortuitous event — Excusable error — Manifest inadmissibility)*

(2008/C 158/27)

Language of the case: German

**Parties**

*Applicant:* PubliCare Marketing Communications (Frankfurt-am-Main, Germany) (represented by: B. Mohr, lawyer)

*Defendant:* Office for Harmonisation in the Internal Market (Trade Marks and Designs)

**Re:**

Action brought against the decision of the Fourth Board of Appeal of OHIM of 27 June 2007 (Case R-157/2007-4) concerning an application for registration of word mark Publicare as a Community trade mark.

**Operative part of the judgment**

*The Court:*

1. *Dismisses the action.*
2. *Orders PubliCare Marketing Communications GmbH to bear its own costs.*

<sup>(1)</sup> OJ C 283, 24.11.2007.