

**Judgment of the Court of First Instance of 25 June 2008 —  
Olympiaki Aeroporia Ypiresies v Commission**

(Case T-268/06) <sup>(1)</sup>

*(State aid — Aid for airlines on account of losses caused by the terrorist attacks of 11 September 2001 — Decision declaring the aid scheme incompatible, in part, with the common market and ordering recovery of aid paid — Article 87(2)(b) EC — Communication from the Commission of 10 October 2001 on the repercussions of the terrorist attacks of 11 September — Causal connection between the exceptional occurrence and the damage — Obligation to state the reasons on which the decision is based)*

(2008/C 197/37)

Language of the case: Greek

**Parties**

*Applicant:* Olympiaki Aeroporia Ypiresies AE (Athens, Greece) (represented by: P. Anestis, lawyer, T. Soames and G. Goeteyn, Solicitors, S. Mavrogenis and M. Pinto de Lemos Fermiano Rato, lawyers)

*Defendant:* Commission of the European Communities (represented by: E. Righini and I. Chatzigiannis, Agents)

**Re:**

Application for annulment of Commission Decision C(2006) 1580 final of 26 April 2006 concerning a State aid scheme C 39/2003 (ex NN 119/2002) which the Hellenic Republic implemented in favour of airlines following losses suffered between 11 and 14 September 2001.

**Operative part of the judgment**

*The Court:*

1. Annuls Articles 1 and 2 of Commission Decision C(2006) 1580 final of 26 April 2006 concerning a State aid scheme C 39/2003 (ex NN 119/2002) which the Hellenic Republic implemented in favour of airlines following losses suffered between 11 and 14 September 2001, in so far as they declare incompatible with the common market aid granted to Olympiaki Aeroporia Ypiresies AE, first, for losses due to the cancellation of the flight to Canada on 15 September 2001, secondly, for losses in respect of its network apart from the North Atlantic and Israel and, thirdly, for revenue lost in respect of carriage of goods, the costs of destruction of sensitive goods, the costs of additional security checks on goods, the costs connected with additional hours worked by staff and the costs connected with additional emergency security measures;
2. Annuls Article 4 of Decision C(2006) 1580 final in so far as it orders the aid mentioned in the preceding paragraph to be recovered;

3. Dismisses the remainder of the action;
4. Orders each party to bear its own costs.

<sup>(1)</sup> OJ C 294, 2.12.2006.

**Judgment of the Court of First Instance of 25 June 2008 —  
Zipcar, Inc. v OHIM — Canary Islands Car (ZIPCAR)**

(Case T-36/07) <sup>(1)</sup>

*(Community trade mark — Opposition proceedings — Application for the Community word mark ZIPCAR — Earlier national word mark CICAR — Relative ground for refusal — Likelihood of confusion — Article 8(1)(b) of Regulation (EC) No 40/94)*

(2008/C 197/38)

Language of the case: English

**Parties**

*Applicant:* Zipcar, Inc. (Cambridge, Massachusetts, United States) (represented by: M. Elmslie, Solicitor, and N. Saunders, Barrister.)

*Defendant:* Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by: D. Botis, Agent)

*Other party to the proceedings before the Board of Appeal of OHIM intervening before the Court of First Instance:* Canary Islands Car, SL (San Bartolome, Spain)

**Re:**

Action brought against the decision of the Second Board of Appeal of OHIM of 30 November 2006 (case R 122/2006-2) relating to opposition proceedings between Canary Islands Car, SL and Zipcar, Inc.

**Operative part of the judgment**

*The Court:*

1. Dismisses the action.
2. Orders Zipcar, Inc. to pay the costs.

<sup>(1)</sup> OJ C 82, 14.4.2007.