

Operative part of the judgment

The Court:

1. Dismisses the application for legal aid;
2. Dismisses the action;
3. Orders Commercy AG to pay the costs.

(¹) OJ C 235, 6.10.2007.

**Judgment of the Court of First Instance of 14 January 2009
— Commission v Rednap**

(Case T-352/07) (¹)

(Arbitration clause — Contracts concluded in the context of the fourth framework programme of activities in the fields of research and technological development and demonstration — Rise and Healthline projects — Non-compliance of part of the declared expenditure with the contractual provisions — Repayment of part of the advances paid — Default proceedings)

(2009/C 55/43)

Language of the case: Swedish

Parties

Applicant: Commission of the European Communities (represented by: D. Triantafyllou and J. Enegren, acting as Agents)

Defendant: Rednap AB (Malmö, Sweden)

Re:

Action brought by the Commission under Article 238 EC seeking repayment of part of the advances paid by the Community under the contracts DE 3010 (DE) Rise and HC 4007 (HC) Healthline, and payment of default interest

Operative part of the judgment

The Court:

1. orders Rednap AB to repay to the Commission the sum of EUR 334 375,49;
2. orders Rednap to pay to the Commission default interest on the sum of EUR 219 125,22 from 1 June 2002 at the statutory rate under Greek law until the debt is totally discharged, which rate may not, however, as from 1 August 2007, exceed 11,75 % per annum;

3. orders Rednap to pay to the Commission default interest on the sum of EUR 115 250,27 from 31 May 2002 at the statutory rate under Greek law until the debt is totally discharged, which rate may not, however, as from 1 August 2007, exceed 11,75 % per annum;

4. orders Rednap to pay the costs.

(¹) OJ C 269, 10.11.2007.

**Judgment of the Court of First Instance of 20 January 2009
— Pioneer Hi-Bred International v OHIM (OPTIMUM)**

(Case T-424/07) (¹)

(Community trade mark — Application for the Community word mark OPTIMUM — Absolute ground for refusal — Lack of distinctive character — Article 7(1)(b) of Regulation (EC) No 40/94 — Obligation to state reasons — Examination of the facts of OHIM's own motion — Articles 73 and 74(1) of Regulation (EC) No 40/94)

(2009/C 55/44)

Language of the case: English

Parties

Applicant: Pioneer Hi-Bred International, Inc. (Johnston, Iowa, United States) (represented by: G. Würtenberger, R. Kunze and T. Wittmann, lawyers)

Defendant: Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by: P. Bullock, acting as Agent)

Re:

Action brought against the decision of the Second Board of Appeal of OHIM of 11 September 2007 (Case R 288/2007-2), concerning an application for registration of the word sign OPTIMUM as a Community trade mark

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Pioneer Hi-Bred International, Inc. to pay the costs.

(¹) OJ C 8, 12.1.2008.