

5. In Case T-396/05, ArchiMEDES is ordered to pay, in addition to its own expenses, half of the expenses incurred by the Commission, including those relating to the interlocutory proceedings in Case T-396/05 R;

6. In Case T-397/05, ArchiMEDES is ordered to pay the costs, including those relating to the interlocutory proceedings in Case T-397/05 R.

(<sup>1</sup>) OJ C 74, 25.3.2006.

**Judgment of the Court of First Instance of 10 June 2009 — Vivartia v OHIM — Kraft Foods Schweiz (milko ΔΕΛΤΑ)**

(Case T-204/06) (<sup>1</sup>)

(Community trade mark — Opposition proceedings — Application for Community figurative mark milko ΔΕΛΤΑ — Earlier Community figurative mark MILKA — Relative ground for refusal — Likelihood of confusion — Similarity of the signs — Article 8(1)(b) of Regulation (EC) No 40/94 (now Article 8(1)(b) of Regulation (EC) No 207/2009))

(2009/C 180/80)

Language of the case: English

**Parties**

*Applicant:* Vivartia ABEE Proionton Diatrofis kai Ypiresion Estiasis, formerly Delta Protypos Viomichania Galaktos AE (Tavros, Greece) (represented by: P.-P. Kanellopoulos and V. Kanellopoulos, lawyers)

*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:* Kraft Foods Schweiz Holding AG (Zurich, Switzerland) (represented by: T. de Haan and P. Péters, lawyers)

**Re:**

Action brought against the decision of the Second Board of Appeal of OHIM of 8 June 2006 (Case R 540/2005-2) relating to opposition proceedings between Kraft Foods Schweiz Holding AG and Delta Protypos Viomichania Galaktos AE.

**Operative part of the judgment**

*The Court:*

1. Dismisses the action;

2. Orders Vivartia ABEE Proionton Diatrofis kai Ypiresion Estiasis to pay the costs.

(<sup>1</sup>) OJ C 224, 16.9.2006.

**Judgment of the Court of First Instance of 11 June 2009 — Greece v Commission**

(Case T-33/07) (<sup>1</sup>)

(EAGGF — Guarantee Section — Expenditure excluded from Community financing — Olive oil, cotton, dried grapes and citrus fruits — Non-compliance with payment deadlines — Period of 24 months — Assessment of the expenditure to be excluded — Key controls — Principle of proportionality — Principle of *ne bis in idem* — Extrapolation of the findings of default)

(2009/C 180/81)

Language of the case: Greek

**Parties**

*Applicant:* Hellenic Republic (represented by: I. Chalkias and G. Kanellopoulos, Agents)

*Defendant:* Commission of the European Communities (represented by: H. Tserepa-Lacombe, F. Jimeno Fernández, Agents, assisted by N. Korogiannakis, lawyer)

**Re:**

Application for partial annulment of Commission Decision 2006/932/EC of 14 December 2006 excluding from Community financing certain expenditure incurred by the Member States under the Guarantee Section of the European Agricultural Guidance and Guarantee Fund (EAGGF) (OJ 2006 L 355, p. 96), in so far as it relates to certain expenditure incurred by the Hellenic Republic in the sectors of olive oil, dried grapes, citrus fruit and financial control.

**Operative part of the judgment**

*The Court:*

1. Dismisses the action;

2. Orders the Hellenic Republic to pay the costs.

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