

**Judgment of the General Court of 24 November 2010 —
Commission v Irish Electricity Generating**

(Case T-323/09) ⁽¹⁾

(Arbitration clause — Contract concluded in the framework of a specific programme for research and technological development, including demonstration, in the field of non-nuclear energy (1994 to 1998) — Non-performance of the contract — Reimbursement of the sums advanced — Late-payment interest — Procedure by default)

(2011/C 38/23)

Language of the case: English

Parties

Applicant: European Commission (represented by: A.-M. Rouchaud-Joët and F. Mirza, Agents, and by U. O'Dwyer and A. Martin, Solicitors)

Defendant: Irish Electricity Generating Co. Ltd (Waterford, Ireland)

Re:

Application under an arbitration clause seeking an order that Irish Electricity Generating Co. Ltd repay the sum of EUR 180 664,70 corresponding to part of the advances paid to it by the Commission under contract No WE/178/97/IE/GB, together with late-payment interest

Operative part of the judgment

The Court:

1. Orders Irish Electricity Generating Co. Ltd to repay to the European Commission the sum of EUR 180 664,70, together with late-payment interest:

— at the rate of 5,56 % per annum from 25 August 2003 to the date of the present judgment;

— at the annual rate applied under Irish law, that is to say, currently section 26 of the Debtors (Ireland) Act, 1840, as amended, up to a rate of 5,56 % per annum from the date of the present judgment until full clearance of the debt;

2. Orders Irish Electricity Generating Co. Ltd to pay the costs.

⁽¹⁾ OJ C 256, 24.10.2009.

**Judgment of the General Court of 15 December 2010 —
Novartis AG v OHIM — Sanochemia Pharmazeutika
(TOLPOSAN)**

(Case T-331/09) ⁽¹⁾

(Community trade mark — Opposition proceedings — Application for the Community word mark TOLPOSAN — Earlier international word mark TONOPAN — Relative ground for refusal — Likelihood of confusion — Article 8(1)(b) of Regulation (EC) No 207/2009)

(2011/C 38/24)

Language of the case: German

Parties

Applicant: Novartis AG (Basle, Switzerland) (represented by: N. Hebeis, lawyer)

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

Other party to the proceedings before the Board of Appeal of OHIM: Sanochemia Pharmazeutika AG (Vienna, Austria)

Re:

ACTION brought against the decision of the First Board of Appeal of OHIM of 18 June 2009 (Case R 1601/2007-1), relating to opposition proceedings between Novartis AG and Sanochemia Pharmazeutika AG

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Novartis AG to pay the costs.

⁽¹⁾ OJ C 267, 7.11.2009.

**Judgment of the General Court of 16 December 2010 —
Lebedef v Commission**

(Case T-364/09 P) ⁽¹⁾

(Appeal — Staff case — Officials — Annual leave — Half-time secondment for union representation — Unauthorised absence — Deduction of days from annual leave entitlement — Article 60 of the Staff Regulations)

(2011/C 38/25)

Language of the case: French

Parties

Appellant: Giorgio Lebedef (Senningerberg, Luxembourg) (represented by: F. Frabetti, lawyer)