

**Judgment of the General Court of 12 May 2011 — Commission v New Acoustic Music and Hildibrandsdottir**

(Case T-464/09) <sup>(1)</sup>

*(Arbitration clause — Contract for financial assistance concluded under the ‘Culture 2000’ Framework Programme — Implementation of the action entitled ‘European Music Roadwork’ — Non-performance of the contract — Repayment of part of the amounts advanced — Partial inadmissibility of the action — Procedure by default — Legal aid)*

(2011/C 186/42)

Language of the case: English

**Parties**

*Applicant:* European Commission (represented by: A.-M. Rouchaud-Joët and N. Bambara, Agents, assisted by C. Erkelens, lawyer)

*Defendants:* New Acoustic Music Association (Orpington, United Kingdom); and Anna Hildur Hildibrandsdottir (Orpington, United Kingdom)

**Re:**

Application by the Commission under an arbitration clause within the meaning of Article 238 EC, seeking an order that New Acoustic Music Association and Ms Hildibrandsdottir repay to it part of the amount of the advances paid, together with default interest, in performance of Contract No 2003-1895/001-001, to carry out the action entitled ‘CLT2003/A1/GB-317 — European Music Roadwork’, as part of the ‘Culture 2000’ Framework Programme established by Decision 508/2000/EC of the European Parliament and of the Council of 14 February 2000 (OJ 2000 L 63, p. 1).

**Operative part of the judgment**

*The Court:*

1. Declares that the action is inadmissible in so far as it is brought against New Acoustic Music Association;
2. Orders Ms Anna Hildur Hildibrandsdottir, as a member of the New Acoustic Music Association partnership, to repay to the European Commission the amount of EUR 31 136,23, together with interest at the rate of 7,70% per annum as of 14 January 2008 until the debt is fully discharged;
3. Orders Ms Hildibrandsdottir to pay the costs.

4. Ms Hildibrandsdottir's application for legal aid is rejected.

<sup>(1)</sup> OJ C 51, 27.2.2010.

**Judgment of the General Court of 12 May 2011 — Jager & Polacek v OHIM (REDTUBE)**

(Case T-488/09) <sup>(1)</sup>

*(Community trade mark — Opposition proceedings — Application for the Community word mark REDTUBE — Earlier unregistered national mark Redtube — Failure to pay the opposition fee within the prescribed period — Decision deeming the opposition non-existent — Article 8(3) of Regulation (EC) No 2869/95 — Protection of legitimate expectations — Rule 17 of Regulation (EC) No 2868/95 — Ex parte proceedings — Article 8(2) of Regulation (EC) No 216/96 — Rule 18 of Regulation No 2868/95 — Legal nature of a communication from OHIM informing a party that an opposition has been found to be admissible — Rule of parallelism of procedural requirements and of the actus contrarius — Article 80 of Regulation (EC) No 207/2009)*

(2011/C 186/43)

Language of the case: German

**Parties**

*Applicant:* Jager & Polacek GmbH (Vienna, Austria) (represented by: A. Renck, V. von Bomhard and T. Dolde, lawyers)

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

**Re:**

Action brought against the decision of the Fourth Board of Appeal of OHIM of 29 September 2009 (Case R 442/2009-4), concerning opposition proceedings between Jager & Polacek GmbH and RT Mediasolutions s.r.o.

**Operative part of the judgment**

*The Court:*

1. Dismisses the action;
2. Orders Jager & Polacek GmbH to pay the costs.

<sup>(1)</sup> OJ C 37, 13.2.2010.