

**Judgment of the General Court of 15 September 2011 —  
CEVA v Commission**

(Case T-285/09) <sup>(1)</sup>

*(Specific programme for research and technological development in the field of research into living resources — Project Seapura — Grant agreement — Arbitration clause — Application for the reimbursement of sums paid in advance under a research financing contract — Reminder letters — Action for annulment — Inadmissibility)*

(2011/C 311/73)

Language of the case: French

**Parties**

*Applicant:* Centre d'étude et de valorisation des algues SA (CEVA) (Pleubian, France) (represented by: J.-M. Peyrical, lawyer)

*Defendant:* European Commission (represented by: V. Joris, Agent, and E. Bouttier, lawyer)

**Re:**

Application for the annulment of the four reminder letters of the Commission dated 11 May 2009, by which it invited the applicant to reimburse the amount paid to it under a grant agreement concluded for a project to be carried out in the context of the specific programme for research and technological development, entitled 'Quality of Life and Management of Living Resources'.

**Operative part of the judgment**

*The Court:*

1. Dismisses the action as inadmissible;
2. Orders the Centre d'étude et de valorisation des algues SA (CEVA) to pay the costs.

<sup>(1)</sup> OJ C 220, 12.9.2009.

**Judgment of the General Court of 9 September 2011 —  
Omnicare v OHIM — Astellas Pharma (OMNICARE  
CLINICAL RESEARCH)**

(Case T-289/09) <sup>(1)</sup>

*(Community trade mark — Opposition proceedings — Application for Community word mark OMNICARE CLINICAL RESEARCH — Earlier national figurative mark OMNICARE — Likelihood of confusion — Similarity of the signs — Similarity of the services — Genuine use of the earlier mark)*

(2011/C 311/74)

Language of the case: English

**Parties**

*Applicant:* Omnicare, Inc. (Covington, Kentucky, United States) (represented by: M. Edenborough QC)

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

*Other party to the proceedings before the Board of Appeal of OHIM, intervening before the General Court:* Astellas Pharma GmbH (Munich, Germany) (represented by: C. Gutiérrez Martínez, H. Granado Carpenter and M. Polo Carreño, lawyers)

**Re:**

Action brought against the decision of the Fourth Board of Appeal of OHIM of 14 May 2009 (Case R 401/2008-4), concerning opposition proceedings between Yamanouchi Pharma GmbH and Omnicare, Inc.

**Operative part of the judgment**

*The Court:*

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

<sup>(1)</sup> OJ C 244, 10.10.2009.

**Judgment of the General Court of 9 September 2011 —  
Omnicare v OHIM — Astellas Pharma (OMNICARE)**

(Case T-290/09) <sup>(1)</sup>

*(Community trade mark — Opposition proceedings — Application for Community word mark OMNICARE — Earlier national figurative mark OMNICARE — Likelihood of confusion — Similarity of the signs — Similarity of the services — Genuine use of the earlier mark)*

(2011/C 311/75)

Language of the case: English

**Parties**

*Applicant:* Omnicare, Inc. (Covington, Kentucky, United States) (represented by: M. Edenborough QC)

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

*Other party to the proceedings before the Board of Appeal of OHIM, intervening before the General Court:* Astellas Pharma GmbH (Munich, Germany) (represented by: C. Gutiérrez Martínez, H. Granado Carpenter and M. Polo Carreño, lawyers)

**Re:**

Action brought against the decision of the Fourth Board of Appeal of OHIM of 14 May 2009 (Case R 402/2008-4), concerning opposition proceedings between Yamanouchi Pharma GmbH and Omnicare, Inc.