

Defendant: European Union Intellectual Property Office (represented by: M. Fischer and A. Söder, acting as Agents)

Other party to the proceedings before the Board of Appeal of EUIPO: Certified Australian Angus Beef Pty Ltd (Surrey Hills, Australia)

Re:

Action brought against the decision of the Fourth Board of Appeal of EUIPO of 30 October 2014 (Case R 662/2014-4), relating to opposition proceedings between Certified Angus Beef and Certified Australian Angus Beef.

Operative part of the judgment

The Court:

1. *Dismisses the action;*
2. *Orders Certified Angus Beef LLC to pay the costs.*

⁽¹⁾ OJ C 107, 30.3.2015.

Judgment of the General Court of 13 July 2017 — Talanton v Commission

(Case T-65/15) ⁽¹⁾

(Arbitration clause — Pocemon contract — Seventh Framework Programme for research, technological development and demonstration activities (2007-2013) — Eligible costs — Recovery of sums paid — Abuse of contractual rights — Principle of good faith — Legitimate expectations — Burden of proof — Counterclaim)

(2017/C 283/47)

Language of the case: Greek

Parties

Applicant: Talanton AE — Symvouleftiki-Ekpaideftiki Etaireia Dianomon, Parochis Ypiresion Marketing kai Dioikisis Epicheiriseon (Palaio Faliro, Greece) (represented by: K. Damis, lawyer)

Defendant: European Commission (represented by: R. Lyal, acting as Agent, and L. Athanassiou and G. Gerapetritis, lawyers)

Re:

First, application based on Article 272 TFEU seeking a declaration that the expenditure that the applicant declared in the context of grant agreement No 216088 relating to the implementation of the 'Point-of-care monitoring and diagnostics for autoimmune diseases' project, concluded in the context of the Seventh Framework Programme for research, technological development and demonstration activities (2007-2013), was eligible and that the request, by the Commission, for recovery of the sum of EUR 273 289,63, pursuant to that grant agreement, amounted to a breach of the Commission's contractual obligations, as well as, second, a counterclaim seeking an order requiring the applicant to pay the sum of EUR 253 289,63, together with interest and reduced by any later payments.

Operative part of the judgment

The General Court:

1. *Dismisses the action;*
2. *Orders Talanton AE — Symvouleftiki-Ekpaideftiki Etaireia Dianomon, Parochis Ypiresion Marketing kai Dioikisis Epicheiriseon to reimburse to the European Commission the sum of EUR 253 289,63, paid pursuant to grant agreement No 216088 relating to the implementation of the 'Point-of-care monitoring and diagnostics for autoimmune diseases' project, together with late payment interest at the rate of 3,55 % from 27 January 2015, reduced by the sum of EUR 5 000 paid to the Commission on 4 May 2015, which is first set against late payment interest and then against the principal amount;*
3. *Orders Talanton AE — Symvouleftiki-Ekpaideftiki Etaireia Dianomon, Parochis Ypiresion Marketing kai Dioikisis Epicheiriseon to pay the costs.*

⁽¹⁾ OJ C 138, 27.4.2015.