

## COURT OF FIRST INSTANCE

**Judgment of the Court of First Instance of 8 October 2008  
— SGL Carbon v Commission**

(Case T-68/04) <sup>(1)</sup>

*(Competition — Agreements, decisions and concerted practices — Market for electrical and mechanical carbon and graphite products — Guidelines on the method of setting fines — Gravity and duration of the infringement — Principle of proportionality — Principle of equal treatment — Maximum limit of 10 % of turnover — Default interest)*

(2008/C 301/46)

*Language of the case: German*

### Parties

*Applicant:* SGL Carbon AG (Wiesbaden, Germany) (represented by: M. Klusmann and A. von Bonin, lawyers)

*Defendant:* Commission of the European Communities (represented by: F. Castillo de la Torre and W. Mölls, acting as Agents, and H.-J. Freund, lawyer)

### Re:

Application for the annulment of Commission Decision 2004/420/EC of 3 December 2003 relating to a proceeding under Article 81 [EC] and Article 53 of the EEA Agreement (Case No C.38.359 — Electrical and mechanical carbon and graphite products) and, in the alternative, an application for the reduction of the fine imposed on the applicant in that decision

### Operative part of the judgment

*The Court:*

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

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<sup>(1)</sup> OJ C 106, 30.4.2004.

**Judgment of the Court of First Instance of 8 October 2008  
— Schunk and Schunk Kohlenstoff-Technik v Commission**

(Case T-69/04) <sup>(1)</sup>

*(Competition — Agreements, decisions and concerted practices — Market for electrical and mechanical carbon and graphite products — Plea of illegality — Article 15(2) of Regulation No 17 — Attributability of the unlawful conduct — Guidelines on the method of setting fines — Gravity and effect of the infringement — Deterrent effect — Cooperation during the administrative procedure — Principle of proportionality — Principle of equal treatment — Counterclaim to increase the fine)*

(2008/C 301/47)

*Language of the case: German*

### Parties

*Applicants:* Schunk GmbH (Thale, Germany); and Schunk Kohlenstoff-Technik GmbH (Heuchelheim, Germany) (represented by: initially by R. Bechtold and S. Hirsbrunner, and subsequently by R. Bechtold, S. Hirsbrunner and A. Schädle, lawyers)

*Defendant:* Commission of the European Communities (represented by: initially by F. Castillo de la Torre and H. Gading, and subsequently by F. Castillo de la Torre and M. Kellerbauer, Agents)

### Re:

APPLICATION for the annulment of Commission Decision 2004/420/EC of 3 December 2003 relating to a proceeding under Article 81 [EC] and Article 53 of the EEA Agreement (Case No C.38.359 — Electrical and mechanical carbon and graphite products) and, in the alternative, for the reduction of the fine imposed on the applicants in that decision, and a counterclaim of the Commission seeking to have that fine increased.

### Operative part of the judgment

*The Court:*

1. Dismisses the action;

2. *Orders Schunk GmbH and Schunk Kohlenstoff-Technik GmbH to pay the costs.*

(<sup>1</sup>) OJ C 106, 30.4.2004.

**Judgment of the Court of First Instance of 8 October 2008**  
— **Carbone-Lorraine v Commission**

(Case T-73/04) (<sup>1</sup>)

*(Competition — Agreements, decisions and concerted practices — Market for electrical and mechanical carbon and graphite products — Guidelines on the method of setting fines — Gravity and duration of the infringement — Mitigating circumstances — Cooperation during the administrative procedure — Principle of proportionality — Principle of equal treatment)*

(2008/C 301/48)

Language of the case: French

**Parties**

*Applicant:* Carbone-Lorraine (Courbevoie, France) (represented by: A. Winckler and I. Simic, then A. Winckler and H. Kanellopoulos, lawyers)

*Defendant:* Commission of the European Communities (represented by: F Castillo de la Torre and É. Gippini Fournier, Agents)

**Re:**

APPLICATION for annulment of Commission Decision 2004/420/EC of 3 December 2003 relating to a proceeding under Article 81 [EC] and Article 53 of the EEA Agreement (Case No C.38.359 — Electrical and mechanical carbon and graphite products), and, in the alternative, annulment or reduction of the fine imposed on the applicant by that decision

**Operative part of the judgment**

*The Court:*

1. *Dismisses the action;*
2. *Orders Le Carbone-Lorraine to pay the costs.*

(<sup>1</sup>) OJ C 106, 30.4.2004.

**Judgment of the Court of First Instance of 8 October 2008**  
— **Helkon Media v Commission**

(Case T-122/06) (<sup>1</sup>)

*(Arbitration clause — Programme to encourage the development, distribution and promotion of European audio-visual works (MEDIA Plus) — Demand for payment of financial aid — Existence of an arbitration clause — Compensation — Admissibility)*

(2008/C 301/49)

Language of the case: German

**Parties**

*Applicant:* Helkon Media AG (Munich, Germany) (represented by: U. Karpenstein, lawyer)

*Defendant:* Commission of the European Communities (represented by: G. Wilms and I. Kaufmann-Bühler, acting as Agents)

**Re:**

Action under Article 238 EC for an order that the Commission pay to the applicant a sum allegedly owed under a contract relating to Community support for the project 'DARK BLUE WORLD' (Project no. 2002-4212-0103DI010006DE).

**Operative part of the judgment**

*The Court:*

1. *Dismisses the action;*
2. *Orders Helkon Media AG to pay the costs.*

(<sup>1</sup>) OJ C 154, 1.7.2006.

**Judgment of the Court of First Instance of 10 October 2008**  
— **Inter-Ikea Systems v OHIM (Representation of a pallet)**

(Joined Cases T-387/06 to T-390/06) (<sup>1</sup>)

*(Community trade mark — Application for registration of figurative Community trade mark representing a pallet — Absolute ground for refusal — Article 7(1)(b) of Regulation (EC) No 40/94)*

(2008/C 301/50)

Language of the case: English

**Parties**

*Applicant:* Inter-Ikea Systems BV (Delft, Netherlands) (represented by: J. Gulliksson, lawyer)