

**Judgment of the Court of First Instance of 10 March 2009**  
**— Interpipe Niko Tube and Interpipe NTRP v Council**

(Case T-249/06) <sup>(1)</sup>

*(Dumping — Imports of certain seamless tubes and pipes, of iron or steel, originating in Croatia, Romania, Russia and Ukraine — Calculation of the normal value — Cooperation of the Community industry — Adjustment — Functions comparable to those of an agent working on a commission basis — Single economic entity — Manifest error of assessment — Offer of an undertaking — Rights of the defence — Duty to state reasons)*

(2009/C 90/39)

Language of the case: English

**Parties**

*Applicants:* Interpipe Nikopolsky Seamless Tubes Plant Niko Tube ZAT (Interpipe Niko Tube ZAT), formerly Nikopolsky Seamless Tubes Plant 'Niko Tube' ZAT (Nikopol, Ukraine); and Interpipe Nizhnedneprovsky Tube Rolling Plant VAT (Interpipe NTRP VAT), formerly Nizhnedneprovsky Tube-Rolling Plant VAT (Dnipropetrovsk, Ukraine) (represented initially by: H.-G. Kamann and P. Vander Schueren, and subsequently by P. Vander Schueren, lawyers)

*Defendant:* Council of the European Union (represented by: J.-P. Hix, acting as Agent, assisted by G. Berrisch, lawyer)

*Intervener in support of the defendant:* Commission of the European Communities (represented initially by: H. van Vliet and T. Scharf, and subsequently by H. van Vliet and K. Talabér-Ricz, acting as Agents)

**Re:**

Application for annulment of Council Regulation (EC) No 954/2006 of 27 June 2006 imposing definitive anti-dumping duty on imports of certain seamless pipes and tubes, of iron or steel originating in Croatia, Romania, Russia and Ukraine, repealing Council Regulations (EC) No 2320/97 and (EC) No 348/2000, terminating the interim and expiry reviews of the anti-dumping duties on imports of certain seamless pipes and tubes of iron or non-alloy steel originating, inter alia, in Russia and Romania and terminating the interim reviews of the anti-dumping duties on imports of certain seamless pipes and tubes of iron or non-alloy steel originating, inter alia, in Russia and Romania and in Croatia and Ukraine (OJ 2006 L 175, p. 4).

**Operative part of the judgment**

*The Court:*

1. Annuls Article 1 of Council Regulation (EC) No 954/2006 of 27 June 2006 imposing definitive anti-dumping duty on imports

of certain seamless pipes and tubes, of iron or steel originating in Croatia, Romania, Russia and Ukraine, repealing Council Regulations (EC) No 2320/97 and (EC) No 348/2000, terminating the interim and expiry reviews of the anti-dumping duties on imports of certain seamless pipes and tubes of iron or non-alloy steel originating, inter alia, in Russia and Romania and terminating the interim reviews of the anti-dumping duties on imports of certain seamless pipes and tubes of iron or non-alloy steel originating, inter alia, in Russia and Romania and in Croatia and Ukraine, in so far as the anti-dumping duty fixed for exports towards the European Community of the products manufactured by Interpipe Nikopolsky Seamless Tubes Plant Niko Tube ZAT (Interpipe Niko Tube ZAT) and Interpipe Nizhnedneprovsky Tube Rolling Plant VAT (Interpipe NTRP VAT) exceeds that which would have been applicable had the export price not been adjusted for a commission when sales took place through the intermediary of the affiliated trader, Sepco SA;

2. Dismisses the action as to the remainder;
3. Orders the Council to bear its own costs and one quarter of the costs incurred by the applicants. The Commission is ordered to bear its own costs.

<sup>(1)</sup> OJ C 261, 28.10.2006.

**Judgment of the Court of First Instance of 4 March 2009 — Professional Tennis Registry v OHIM — Registro Profesional de Tenis (PTR PROFESSIONAL TENNIS REGISTRY)**

(Case T-168/07) <sup>(1)</sup>

*(Community trade mark — Opposition proceedings — Application for registration of the figurative mark PTR PROFESSIONAL TENNIS REGISTRY as a Community trade mark — Earlier national and Community figurative mark RPT Registro Profesional de Tenis, S.L. and earlier national figurative mark RPT European Registry of Professional Tennis — Relative ground for refusal — No likelihood of confusion — Article 8(1)(b) of Regulation (EC) No 40/94)*

(2009/C 90/40)

Language of the case: English

**Parties**

*Applicant:* Professional Tennis Registry, Inc. (Hilton Head Island, South Carolina, United States) (represented by: M. Vanhegan and B. Brandreth, Barristers)

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