

- at the rate of 9.22% per annum from 1 July to 31 December 2003;
- at the rate of 9.14% per annum from 1 January to 30 June 2004;
- at the rate of 9.13% per annum from 1 July to 31 December 2004;
- at the rate of 9.21% per annum from 1 January to 31 January 2005;
- at the statutory rate, calculated in accordance with Article 288 of the Bürgerliches Gesetzbuch (German Civil Code) without that rate exceeding 9.21% from 1 February 2005 until the discharge of the debt;

2. Orders Environmental Management Consultants to pay the costs.

**Judgment of the Court of First Instance (Fifth Chamber) of 30 January 2008 —  
Japan Tobacco v OHIM — Torrefacção Camelo (CAMELO)**

**(Case T-128/06)**

(Community trade mark — Opposition procedure — Application for the Community figurative mark CAMELO — Earlier national figurative mark CAMEL — Relative ground for refusal — No risk of profit derived unduly from, and no risk of detriment to, the distinctive character and reputation of the earlier mark — Article 8(5) of Regulation (EC) No 40/94 — No infringement of the rules of the appeal procedure — Article 74 of Regulation No 40/94)

*Community trade mark — Definition and acquisition of the Community trade mark — Relative grounds for refusal — Opposition by the proprietor of an earlier identical or similar mark enjoying a reputation — Protection of well-known earlier mark extended to dissimilar goods or services (Council Regulation No 40/94, Art. 8(5)) (see paras 56-66)*

**Re:**

ACTION brought against the decision of the Second Board of Appeal of OHIM of 22 February 2006 (Case R 669/2003-2) concerning opposition proceedings between Japan Tobacco, Inc. and Torrefacção Camelo L<sup>da</sup>.

**Information relating to the case**

Applicant for the Community trade mark:	Torrefacção Camelo L <sup>da</sup>
Community trade mark sought:	Mark containing figurative elements (camel, pyramids, palm trees) and the name CAFÉ TORREFACTO CAMPO MAIOR CAMELO CAFÉ ESPECIAL PURO Torrefacção Camelo L <sup>da</sup> CAMPO MAIOR-PORTUGAL, for goods in Class 30 — Application No 1469121
Proprietor of the mark or sign cited in the opposition proceedings:	Japan Tobacco, Inc.
Mark or sign cited in opposition:	National figurative mark CAMEL for goods in Classes 22 and 34
Decision of the Opposition Division:	Opposition upheld
Decision of the Board of Appeal:	Decision of the Opposition Division set aside

**Operative part**

The Court:

1. Dismisses the action;

2. Orders Japan Tobacco, Inc. to bear its own costs and to pay those of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM);
3. Orders Torrefacção Camelo L<sup>da</sup> to bear its own costs.

**Order of the Court of First Instance (Second Chamber) of 30 January 2008 —  
Arktouros v Commission**

**(Case T-260/06)**

(Action for annulment — Regulation (EC) No 1655/2000 — Removal of financial assistance granted for an ecological project — Decision ending the project and ordering reimbursement of sums paid by way of an advance — Confirmatory measure — Expiry of the period for bringing an action — Inadmissibility)

1. *Actions for annulment — Actionable measures — Meaning — Measures producing binding legal effects (Art. 230 EC) (see paras 52, 55, 56)*
2. *Actions for annulment — Action against a decision confirming two decisions not challenged within the time-limits (Art. 230 EC) (see paras 57-59)*

**Re:**

ANNULMENT of Commission Decision C(2006) 3181 final of 6 July 2006 ending a project concerning conservation actions in the Northern Pindos National Park (Greece) (Ellas — LIFE03/NAT/GR/000089) and ordering reimbursement of the advance paid to the applicant in respect of the Community financial assistance which had been granted to it in implementation of Commission Decision C(2003) 2919 final of 4 September 2003.