

**Judgment of the Court of First Instance of 8 July 2009 —  
Commission v Atlantic Energy**

(Case T-182/08) <sup>(1)</sup>

*(Arbitration clause — Contract for financial assistance concluded under a specific programme in the field of non-nuclear energy — Failure to comply with the contract — Reimbursement of sums advanced — Statutory set-off — Procedure for judgment by default)*

(2009/C 205/63)

Language of the case: English

**Parties**

*Applicant:* Commission of the European Communities (represented by: initially A.-M. Rouchaud-Joët and S. Lejeune, and subsequently A.-M. Rouchaud-Joët and F. Mirza, Agents, and M. Jarvis, Barrister)

*Defendant:* Atlantic Energy Ltd (Truro, Cornwall, United Kingdom)

**Re:**

Action brought by the Commission under Article 238 EC for reimbursement of an advance paid by the European Community, together with interest, under contract BU 183/95 UK/AT.

**Operative part of the judgment**

*The Court:*

1. Orders Atlantic Energy Ltd to reimburse to the Commission of the European Communities the principal sum of EUR 226 010, together with the interest provided for under Article 23.1 of the general conditions of contract BU 183/95 UK/AT in respect of the periods between 1 June 1996 and 28 February 2002 and between 16 July 2002 and 31 May 2008, less the sum of EUR 3 610,53, the final sum being increased by the interest provided for under the abovementioned Article 23.1 of the general conditions as from 1 June 2008 until the debt is discharged in full.
2. Orders Atlantic Energy to pay the costs.

<sup>(1)</sup> OJ C 171, 5.7.2008.

**Judgment of the Court of First Instance of 8 July 2009 —  
Mineralbrunnen Rhön-Sprudel Egon Schindel v OHIM —  
Schwarzbräu (ALASKA)**

(Case T-225/08) <sup>(1)</sup>

*(Community trade mark — Invalidity proceedings — Community figurative mark ALASKA — Absolute ground for refusal — Lack of descriptive character — Article 7(1)(c) of Regulation (EC) No 40/94 (now Article 7(1)(c) of Regulation (EC) No 207/2009))*

(2009/C 205/64)

Language of the case: German

**Parties**

*Applicant:* Mineralbrunnen Rhön-Sprudel Egon Schindel GmbH (Ebersburg, Germany) (represented by: P. Wadenbach, lawyer)

*Defendant:* Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by: G. Schneider, acting as Agent)

*Other party to the proceedings before the Board of Appeal of OHIM intervening before the Court of First Instance:* Schwarzbräu GmbH (Zusmarshausen, Germany) (represented by: L. Schlarmann, lawyer)

**Re:**

Action brought against the decision of the Fourth Board of Appeal of OHIM of 8 April 2008 (Case R 877/2004-4) concerning invalidity proceedings between Mineralbrunnen Rhön-Sprudel Egon Schindel GmbH and Schwarzbräu GmbH.

**Operative part of the judgment**

*The Court:*

1. Dismisses the action;
2. Orders Mineralbrunnen Rhön-Sprudel Egon Schindel GmbH to bear its own costs and those incurred by the Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM);
3. Orders Schwarzbräu GmbH to bear its own costs.

<sup>(1)</sup> OJ C 223, 30.8.2008.