

2. *Orders the European Commission to bear its own costs and to pay those incurred by the Republic of Poland;*
3. *Orders the Czech Republic, the Hellenic Republic and the Republic of Austria to bear their own costs.*

(<sup>1</sup>) OJ C 92, 12.4.2008.

**Judgment of the General Court of 7 December 2010 —  
Commission v Commune de Valbonne**

(Case T-238/08) (<sup>1</sup>)

*(Arbitration clause — Research and training contract relating to a mutual education project between the city of Valbonne (France) and the province of Ascoli Piceno (Italy) — Application for reimbursement of advance payments)*

(2011/C 30/61)

*Language of the case: French*

**Parties**

*Applicant:* European Commission (represented by: initially, L. Escobar Guerrero, and subsequently, F. Dintilhac and A. Sauka, agents, and E. Bouttier, lawyer)

*Defendant:* Commune de Valbonne (France) (represented by: B. Rapp-Jung, lawyer)

**Re:**

Action based on an arbitration clause in accordance with Article 238 EC seeking an order that the Commune de Valbonne reimburse advance payments made by the European Commission, together with late-payment interest, in connection with Contract Valaspi MM 1027 of 29 December 1997.

**Operative part of the judgment**

*The Court:*

1. *Dismisses the action.*
2. *Orders the European Commission to pay the costs.*

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

**Judgment of the General Court of 9 December 2010 —  
Tresplain Investments v OHIM — Hoo Hing (Golden  
Elephant Brand)**

(Case T-303/08) (<sup>1</sup>)

*(Community trade mark — Invalidity proceedings — Figurative Community trade mark Golden Elephant Brand — Non-registered national figurative mark GOLDEN ELEPHANT — Relative ground for refusal — Reference to the national law governing the earlier mark — Common-law action for passing-off — Article 74(1) of Regulation (EC) No 40/94 (now Article 76(1) of Regulation (EC) No 207/2009) — Article 73 of Regulation No 40/94 (now Article 75 of Regulation No 207/2009) — Articles 8(4) and 52(1)(c) of Regulation No 40/94 (now Articles 8(4) and 53(1)(c) of Regulation No 207/2009) — New pleas in law — Article 48(2) of the Rules of Procedure)*

(2011/C 30/62)

*Language of the case: English*

**Parties**

*Applicant:* Tresplain Investments Ltd (Tsing Yi, Hong Kong, China) (represented by: D. McFarland, Barrister)

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

*Other party to the proceedings before the Board of Appeal of OHIM:* Hoo Hing Holdings Ltd (Romford, Essex, United Kingdom) (represented by: M. Edenborough, Barrister)

**Re:**

Action brought against the decision of the First Board of Appeal of OHIM of 7 May 2008 (Case R 889/2007-1), relating to invalidity proceedings between Hoo Hing Holdings Ltd and Tresplain Investments Ltd.

**Operative part of the judgment**

*The Court:*

1. *Dismisses the action;*
2. *Rejects the form of order sought by Hoo Hing Holdings Ltd for partial annulment and alteration of the decision of the First Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM) of 7 May 2008 (Case R 889/2007-1), relating to invalidity proceedings between Hoo Hing Holdings and Tresplain Investments Ltd;*
3. *Orders Tresplain Investments to bear its own costs and to pay those incurred by OHIM and one half of those incurred by Hoo Hing Holdings, and orders Hoo Hing Holdings to bear half of its own costs.*

(<sup>1</sup>) OJ C 260, 11.10.2008.