

Information relating to the case

Applicant for the Community trade mark:	Prosima Comercial, SA
Community trade mark sought:	Figurative mark PROSIMA PROSIMA COMERCIAL S.A. for goods and services in Classes 6, 7, 11, 16, 17, 20, 22, 35 - 39, 41 and 42 — Application No 2423176
Proprietor of the mark or sign cited in the opposition proceedings:	Promat GmbH
Mark or sign cited in opposition:	Word mark PROMINA for goods and services in Class 7 — German trade mark No 847011
Decision of the Opposition Division:	Opposition dismissed
Decision of the Board of Appeal:	Appeal dismissed

Operative part

The Court:

1. Dismisses the action;
2. Orders Promat GmbH to pay the costs.

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

(Case T-182/08)

(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)

1. *Procedure — Referral to the Court of First Instance under an arbitration clause (Art. 238 EC) (see paras 50-69)*

2. *Procedure — Referral to the Court of First Instance under an arbitration clause — Review of the legality of an extra-judicial set-off decision between debts and credit balances adopted by the Commission on the basis of Regulation No 1605/2002 — Not included (Arts 230 EC and 238 EC) (see para. 70)*

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 83/95 UK/AT.

Operative part

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 3610.53, 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.