

GENERAL COURT

**Judgment of the General Court of 9 February 2010 —
Evropaiki Dynamiki v Commission**(Case T-340/07) ⁽¹⁾

(Arbitration clause — ‘eContent’ programme — Contract relating to a project designed to ensure maximum effectiveness of the programme and the widest possible participation of target groups — Non-performance of the contract — Termination of the contract)

(2010/C 80/39)

Language of the case: English

Parties

Appellant: Evropaiki Dynamiki — Proigmena Systimata Tilepikoinonion Pliroforikis kai Tilematikis AE (Athens, Greece) (represented by: N. Korogiannakis, lawyer)

Defendant: European Commission (represented by: E. Manhaeve, Agent, assisted by D. Philippe and M. Gouden, lawyers)

Re:

Action brought under Articles 235 EC, 238 EC and 288 EC for an order that the Commission make good damage suffered as a result of its failure to comply with contractual obligations in the context of the performance of the EDC-53007 EEBO/27873 contract relating to the project entitled ‘e-Content Exposure and Business Opportunities’.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Evropaiki Dynamiki — Proigmena Systimata Tilepikoinonion Pliroforikis kai Tilematikis AE to pay the costs.

⁽¹⁾ OJ C 269, 10.11.2007.

**Judgment of the General Court of 10 February 2010 —
O2 (Germany) v OHIM (Homezone)**(Case T-344/07) ⁽¹⁾

(Community trade mark — Application for the Community word mark Homezone — Absolute grounds for refusal — Distinctive character — Descriptive character — Article 7(1)(b) and (c) of Regulation (EC) No 40/94 (now Article 7(1)(b) and (c) of Regulation (EC) No 207/2009)

(2010/C 80/40)

Language of the case: German

Parties

Applicant: O2 (Germany) GmbH & Co. OHG (Munich, Germany) (represented by: A. Fottner and M. Müller, lawyers)

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

Re:

Action brought against the decision of the Fourth Board of Appeal of OHIM of 5 July 2007 (Case R 1583/2006-4), concerning an application to register the word sign Homezone as a Community trade mark

Operative part of the judgment

The Court:

1. Annuls the decision of the Fourth Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM) of 5 July 2007 (Case R 1583/2006-4);
2. Orders OHIM to pay the costs.

⁽¹⁾ OJ C 269, 10.11.2007.