

3. *Orders the French Republic, the Republic of Austria, the Republic of Poland, the Kingdom of the Netherlands, the European Parliament, the Hellenic Republic and the United Kingdom of Great Britain and Northern Ireland to bear their own costs.*

(¹) OJ C 294, 2.12.2006.

**Judgment of the General Court of 11 May 2010 —
PC-Ware Information Technologies v Commission**

(Case T-121/08) (¹)

(Public supply contracts — Community tendering procedure — Acquisition of software products and licences — Rejection of a tender — Abnormally low tender — Obligation to state reasons)

(2010/C 179/55)

Language of the case: Dutch

Parties

Applicant: PC-Ware Information Technologies BV (Amsterdam, Netherlands) (represented by: L. Devillé and B. Maerevoet, lawyers)

Defendant: European Commission (represented by: E. Manhaeve, Agent, and P. Wytinck, lawyer)

Re:

APPLICATION, principally, for annulment of the Commission's decision of 11 January 2008 rejecting the tender submitted by the applicant in public procurement procedure DIGIT/R2/PO/2007/022 and, in the alternative, for compensation for the loss allegedly suffered by the applicant as a result of the Commission's conduct.

Operative part of the judgment

The Court:

1. *Dismisses the action;*
2. *Orders PC-Ware Information Technologies BV to pay the costs.*

(¹) OJ C 116, 9.5.2008.

Judgment of the General Court of 12 May 2010 — Beifa Group v OHIM — Schwan-Stabilo Schwanhäüßer (Instrument for writing)

(Case T-148/08) (¹)

(Community design — Invalidity proceedings — Registered Community design representing an instrument for writing — Earlier national figurative mark — Ground for invalidity — Use in the Community design of an earlier sign the holder of which has the right to prohibit such use — Article 25(1)(e) of Regulation (EC) No 6/2002 — Request for proof of genuine use of the earlier mark made for the first time before the Board of Appeal)

(2010/C 179/56)

Language of the case: English

Parties

Applicant: Beifa Group Co. Ltd (Ningbo, Zhejiang, China) (represented by: R. Davis, Barrister, and N. Cordell, Solicitor)

Defendant: Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM) (represented by: A. Folliard Monguiral, acting as Agent)

Other party to the proceedings before the Board of Appeal of OHIM: Schwan-Stabilo Schwanhäüßer GmbH & Co. KG (Heroldsberg, Germany) (represented by: U. Blumenröder and H. Gauß, lawyers)

Re:

Action brought against the decision of the Third Board of Appeal of OHIM of 31 January 2008 (Case R 1352/2006-3) relating to invalidity proceedings between Schwan-Stabilo Schwanhäüßer GmbH & Co. KG and Ningo Beifa Group Co., Ltd in respect of a Community design.

Operative part of the judgment

The Court:

1. *Annuls the decision of the Third Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM) of 31 January 2008 (Case R 1352/2006-3);*
2. *Dismisses the action as to the remainder;*