

**Pleas in law and main arguments**

The present action has been brought against the Commission's decision of 14 February 2010 by which the Commission, in its capacity as contracting authority, notified Sviluppo Globale GEIE, the applicant, that it had excluded the consortium led by it from the short list drawn up for the restricted procedure EuropeAid/129038/C/SER/SY for the supply to the Syrian Government of technical assistance services designed to facilitate decentralisation and local development.

In support of its action for annulment, Sviluppo Globale GEIE alleges manifest error in the interpretation and application of the selection criteria laid down in the tender specifications. In particular, it argues, the Commission misapplied the selection criteria laid down in the tender specifications in respect of technical capability, thereby excluding the consortium led by Sviluppo Globale GEIE from the short list, despite the fact that it fulfilled the requirements laid down in those specifications. Such a manifest error on the part of the contracting authority can be seen clearly simply by comparing the technical capability requirements laid down for admission to the short list in question, on the one hand, with the actual technical capability of the consortium led by Sviluppo Globale GEIE, on the other.

Moreover, and in any event, Sviluppo Globale GEIE submits that the reasons stated for the exclusionary decision of 14 February 2010 are inadequate, in that no explanation is given as to why its tender does not satisfy the selection criteria relating to technical capability as laid down in the tender specifications.

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**Action brought on 23 April 2010 — Emram v OHIM — Guccio Gucci (G)**

**(Case T-187/10)**

(2010/C 179/76)

*Language in which the application was lodged: French*

**Parties**

*Applicant:* Maurice Emram (Marseille, France) (represented by: M. Benavi, lawyer)

*Defendant:* Office for Harmonisation in the Internal Market (Trade Marks and Designs)

*Other party to the proceedings before the Board of Appeal of OHIM:* Guccio Gucci SpA (Florence, Italy)

**Form of order sought**

— annulment of the decision of OHIM in Case R 1281/2008-1;

— reject the opposition to the filing of the trade mark G line No 2421402 of Gucci spa;

— consequently, order OHIM to pay the costs;

— order Gucci spa to pay the costs or expenses of the proceedings before OHIM.

**Pleas in law and main arguments**

*Applicant for a Community trade mark:* Maurice Emram.

*Community trade mark concerned:* Figurative trade mark "G" for goods in Classes 9, 18 and 25 — Application No 2 421 402.

*Proprietor of the mark or sign cited in the opposition proceedings:* Guccio Gucci SpA.

*Mark or sign cited in opposition:* Community and national figurate trade marks "G" for goods in Classes 9, 18 and 25.

*Decision of the Opposition Division:* Rejection of the opposition.

*Decision of the Board of Appeal:* Annulment of the decision of the Opposition Division and refusal to register the mark applied for.

*Pleas in law:* Infringement of Articles 8 and 75 of Regulation No 40/94 (now Articles 8 and 77 of Regulation No 207/2009) inasmuch as the Board of Appeal failed to apply the legal provisions concerned correctly and carried out too brief an analysis of the evidence raised by the applicant.

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