

Operative part of the judgment

The Court:

1. *dismisses the action;*
2. *orders MPDV Mikrolab GmbH, Mikroprozessordatenverarbeitung und Mikroprozessorklabor to pay the costs.*

(¹) OJ C 223, 30.8.2008.

**Judgment of the General Court of 9 September 2010 —
Evropaiki Dynamiki v Commission**

(Case T-387/08) (¹)

(Public service contracts — Publications Office's tendering procedure — Provision of computing services — Rejection of a tenderer's bid — Action for annulment — Award criteria and sub-criteria — Obligation to state the reasons on which the decision is based — Equal treatment — Transparency — Manifest error of assessment — Misuse of powers — Claim for damages)

(2010/C 288/66)

Language of the case: English

Parties

Applicant: Evropaiki Dynamiki — Proigmena Systimata Tilepikoinonion Pliroforikis kai Tilematikis AE (Athens, Greece) (represented by: N. Korogiannakis and P. Katsimani, lawyers)

Defendant: European Commission (represented by: E. Manhaeve and N. Bambara, Agents, and by J. Stuyck, lawyer)

Re:

Application (i) for annulment of the decision of the Publications Office of the European Union of 20 June 2008 rejecting the tender submitted by the applicant in Call for Tender AO 10185 for computing services — maintenance of the SEI-BUD/AMD/CR systems and related services (OJ 2008/S 43-058884) and of the decision to award the contract to another tenderer, and (ii) for damages

Operative part of the judgment

The Court:

1. *Dismisses the action;*

2. *Orders Evropaiki Dynamiki — Proigmena Systimata Tilepikoinonion Pliroforikis kai Tilematikis AE to bear 90 % of its own costs and to pay 90 % of the costs incurred by the European Commission, and the latter to bear 10 % of its own costs and to pay 10 % of the costs incurred by Evropaiki Dynamiki — Proigmena Systimata Tilepikoinonion Pliroforikis kai Tilematikis AE.*

(¹) OJ C 301, 22.11.2008.

**Judgment of the General Court of 8 September 2010 —
Wilfer v OHIM (Representation of the head of a guitar)**

(Case T-458/08) (¹)

(Community trade mark — Application for a Community figurative mark representing the head of a guitar in silver, grey and brown — Absolute ground for refusal — Lack of distinctive character — Article 7(1)(b) of Regulation (EC) No 40/94 (now Article 7(1)(b) of Regulation (EC) No 207/2009) — Examination of the facts of its own motion — Article 74(1) of Regulation No 40/94 (now Article 76(1) of Regulation No 207/2009) — Obligation to state reasons — The first sentence of Article 73 of Regulation No 40/94 (now the first sentence of Article 75 of Regulation No 207/2009) — Equal treatment)

(2010/C 288/67)

Language of the case: German

Parties

Applicant: Hans-Peter Wilfer (Markeneukirchen, Germany) (represented by: A. Kockläuner, lawyer)

Defendant: Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by: G. Schneider, acting as Agent)

Re:

Action brought against the decision of the Fourth Board of Appeal of OHIM of 25 July 2008 (Case R 78/2007-4), concerning the registration as a Community trade mark of the figurative sign representing the head of a guitar in the colours silver, grey and brown.