

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

*Other party to the proceedings before the Board of Appeal of OHIM:* Metaform Lucchese SpA (Pescaglia, Italy) (represented by: P. Pozzi and A. Perani, lawyers)

**Re:**

Action brought against the decision of the Fourth Board of Appeal of OHIM of 3 November 2008 (Case R 1152/2006-4) concerning opposition proceedings between Metaform Lucchese SpA and Aloys F. Dornbracht GmbH & Co KG.

**Operative part of the judgment**

*The Court:*

1. Dismisses the action;
2. Orders Dornbracht GmbH & Co. KG to pay the costs of the present proceedings.

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<sup>(1)</sup> OJ C 69, 21.3.2009.

**Judgment of the General Court of 22 September 2011 —  
Evropaiki Dynamiki v Commission**

(Case T-86/09) <sup>(1)</sup>

**(Public service contracts — Tendering procedure — Provision of computer and related services, including the maintenance and development of the information systems of the Commission Directorate-General for Maritime Affairs and Fisheries — Rejection of a tender — Obligation to state reasons — Equal treatment — Transparency — Award criteria — Conflict of interests — Manifest error of assessment — Non-contractual liability)**

(2011/C 319/28)

*Language of the case: English*

**Parties**

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

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

**Re:**

APPLICATION for annulment of the Commission's decision of 12 December 2008 rejecting the tender submitted by the applicant in response to Call for Tenders MARE/2008/01 for the provision of computer and related services, including the maintenance and development of the information systems of

the Commission's Maritime Affairs and Fisheries Directorate-General (OJ 2008, S 115) and of the decision to award the contract to another tenderer, and an application 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 its own costs and to pay those incurred by the European Commission.

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<sup>(1)</sup> OJ C 113, 16.5.2009.

**Judgment of the General Court of 21 September 2011 —  
Rügen Fisch v OHIM — Schwaaner Fischwaren  
(SCOMBER MIX)**

(Case T-201/09) <sup>(1)</sup>

**(Community trade mark — Invalidity proceedings — Community word mark SCOMBER MIX — Absolute grounds of refusal — 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))**

(2011/C 319/29)

*Language of the case: German*

**Parties**

*Applicant:* Rügen Fisch AG (Sassnitz, Germany) (represented by: O. Spuhler and M. Geitz, lawyers)

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

*Other party to the proceedings before the Board of Appeal of OHIM, intervening before the General Court:* Schwaaner Fischwaren GmbH (Schwaan, Germany) (represented by: A. Jaeger-Lenz, lawyer)

**Re:**

Action brought against the decision of the Fourth Board of Appeal of OHIM of 20 March 2009 (Case R 230/2007-4), relating to invalidity proceedings between Rügen Fisch AG and Schwaaner Fischwaren GmbH.

**Operative part of the judgment**

*The Court:*

1. Dismisses the action;
2. Orders Rügen Fisch AG to bear the costs.

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<sup>(1)</sup> OJ C 180, 1.8.2009.