

Re:

Application for annulment of Commission Decision 2009/704/EC of 16 July 2008 relating to State aid C 29/2004 (ex N 328/2003) that Italy is considering granting to the Villazor sugar refinery owned by Sadam ISZ (OJ 2009 L 244, p. 10).

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Eridania SpA to bear its own costs and to pay those incurred by the European Commission.

(¹) OJ C 44, 21.2.2009.

Judgment of the General Court of 20 October 2011 — Alfatar Benelux v Council

(Case T-57/09) (¹)

(Public service contracts — Tendering procedure — Provision of technical maintenance and help desk and on-site intervention services for the PCs, printers and peripherals of the General Secretariat of the Council — Rejection of a tender — Obligation to state the reasons on which a decision is based)

(2011/C 355/26)

Language of the case: English

Parties

Applicant: Alfatar Benelux (Ixelles, Belgium) (represented by: N. Keramidas, lawyer)

Defendant: Council of the European Union (represented by: M. Balta, M. Vitsentzatos and M. Robert, Agents)

Re:

Application, first, for annulment of the Council's decision of 1 December 2008 to reject the tender submitted by the Alfatar-Siemens consortium, composed of Alfatar Benelux SA and Siemens IT Solutions and Services SA, in response to Call for Tenders UCA/218/07 for the provision of technical maintenance — help desk and on-site intervention services for the PCs, printers and peripherals of the General Secretariat of the Council (OJ 2008/S 91-122796) and to award the contract to another tenderer and, secondly, for damages.

Operative part of the judgment

The Court:

1. Annuls the Council's decision of 1 December 2008 to reject the tender submitted by the consortium composed of Alfatar Benelux SA and Siemens IT Solutions and Services SA, in response to Call for Tenders UCA/218/07 for the provision of technical main-

tenance — help desk and on-site intervention services for the PCs, printers and peripherals of the General Secretariat of the Council and to award the contract to another tenderer;

2. Dismisses the claim for damages;
3. Orders the Council of the European Union to pay the costs.

(¹) OJ C 102, 1.5.2009.

Judgment of the General Court of 20 October 2011 — Poloplast v OHIM — Polypipe (P)

(Case T-189/09) (¹)

(Community trade mark — Opposition proceedings — Application for Community trade mark P — Earlier figurative Community marks P and P POLYPIPE — Relative grounds for refusal — Likelihood of confusion — Similarity of the signs — Article 8(1)(b) of Regulation (EC) No 40/94 (now Article 8(1)(b) of Regulation (EC) No 207/2009))

(2011/C 355/27)

Language of the case: German

Parties

Applicant: Poloplast GmbH & Co. KG (Leonding, Austria) (represented by: G. Bruckmüller, lawyer)

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

Other party to the proceedings before the Board of Appeal of OHIM: Polypipe Ltd (Edlington, United Kingdom) (represented by: initially K.E. Gilbert and M.H. Blair, Solicitors, subsequently K.E. Gilbert, M.H. Blair and S.S. Malynicz, Barrister)

Re:

Action brought against the decision of the Second Board of Appeal of OHIM of 25 February 2009 (Case R 80/2008-2) relating to opposition proceedings between Polypipe Ltd and Poloplast GmbH & Co. KG.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Poloplast GmbH & Co. KG to pay the costs, including the costs necessarily incurred by Polypipe Ltd for the purposes of the proceedings before the Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM).

(¹) OJ C 167, 18.7.2009.