

**Judgment of the General Court of 10 October 2012 —
Evropaiki Dynamiki v Commission**

(Case T-247/09) ⁽¹⁾

(Public service contracts — Tendering procedure — Supply of services relating to the production and dissemination of the Supplement to the Official Journal of the European Union and related offline and online media — Rejection of the bid of one tenderer and decision to award the contract to another tenderer — Obligation to state reasons — Equal treatment — Manifest error of assessment — Non-contractual liability)

(2012/C 366/58)

Language of the case: English

Parties

Applicant: Evropaiki Dynamiki — Proigmena Systemata Tilepikoinonion Pliroforikis kai Tilematikis AE (Athens, Greece) (represented by: N. Korogiannakis and M. Dermizakis, lawyers)

Defendant: European Commission (represented by: N. Bambara and E. Manhaeve, Agents, assisted initially by N. Dimopoulos, Solicitor, then by E. Petritsi, lawyer and lastly by O. Graber-Soudry, Solicitor)

Re:

First, annulment of the Commission decision of 7 April 2009, rejecting the bid submitted by the applicant in response to open Call for Tenders AO 10186 for the production and dissemination of the Supplement to the *Official Journal of the European Union*: TED website, OJS DVD-ROM and related Offline and Online media (OJ 2009/S 2-001445), along with the decision to award the contract to another tenderer and, second, a claim for damages and interest.

Operative part of the judgment

The Court:

1. Dismisses the action.
2. Orders Evropaiki Dynamiki — Proigmena Systemata Tilepikoinonion Pliroforikis kai Tilematikis AE to bear its own costs and to pay those incurred by the European Commission.

⁽¹⁾ OJ C 205, 29.8.2009.

**Judgment of the General Court of 10 October 2012 —
Sviluppo Globale v Commission**

(Case T-183/10) ⁽¹⁾

(Public service contracts — Public procurement procedure — Supply of technical assistance to the Government of Syria — Rejection of the tender — Duty to state reasons)

(2012/C 366/59)

Language of the case: Italian

Parties

Applicant: Sviluppo Globale GEIE (Rome, Italy) (represented by: F. Sciaudone, R. Sciaudone and A. Neri, lawyers)

Defendant: European Commission (represented by: F. Erlbacher, acting as Agent, and P. Manzini, lawyer)

Re:

Action for annulment of the Commission's decision of 14 February 2010 not to accept the tender submitted by the consortium led by the applicant in 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 (OJ 2010 2009/S 223 319862)

Operative part of the judgment

The Court:

1. Annuls the Commission's decision of 14 February 2010 not to accept the tender submitted by the consortium led by the applicant in 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 (OJ 2010 2009/S 223 319862);
2. Orders the European Commission to bear its own costs and to pay those incurred by Sviluppo Globale GEIE.

⁽¹⁾ OJ C 179, 3.7.2010.

**Judgment of the General Court of 5 October 2012 —
Lancôme v OHIM — Focus Magazin Verlag (COLOUR
FOCUS)**

(Case T-204/10) ⁽¹⁾

(Community trade mark — Invalidity proceedings — Community word mark COLOR FOCUS — Earlier Community word mark FOCUS — Relative ground for refusal — Likelihood of confusion — Similarity of the marks — Article 8(1)(b) and Article 53(1)(a) of Regulation (EC) No 207/2009 — Genuine use of the earlier mark — Abuse of right)

(2012/C 366/60)

Language of the case: English

Parties

Applicant: Lancôme parfums et beauté & Cie (Paris, France) (represented by: A. von Mühlendahl and S. Abel, lawyers)

Defendant: Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented: initially by S. Schöffner, and subsequently by A. Folliard-Monguiral, Agents)

Other party to the proceedings before the Board of Appeal of OHIM, intervener before the General Court: Focus Magazin Verlag GmbH (Munich, Germany) (represented by R. Schweizer and J. Berlinger, lawyers)

Re:

Action brought against the decision of the Second Board of Appeal of OHIM of 11 February 2010 (Case R 238/2009-2), concerning invalidity proceedings between Focus Magazin Verlag GmbH and Lancôme parfums et beauté & Cie