

## GENERAL COURT

**Judgment of the General Court of 24 January 2013 — Fercal — Consultadoria e Serviços v OHIM — Jacson of Scandinavia (JACKSON SHOES)**

(Case T-474/09) <sup>(1)</sup>

*(Community trade mark — Invalidity proceedings — Community word mark JACKSON SHOES — Earlier national business name JACSON OF SCANDINAVIA AB — Relative ground for refusal — Relative ground for invalidity — Article 8(4) and Article 53(1)(c) of Regulation (EC) No 207/2009)*

(2013/C 71/21)

Language of the case: Portuguese

**Parties**

*Applicant:* Fercal — Consultadoria e Serviços, L<sup>da</sup> (Lisbon, Portugal) (represented by: A. Rodrigues, lawyer)

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

*Other party to the proceedings before the Board of Appeal of OHIM:* Jacson of Scandinavia AB (Vollsjö, Sweden)

**Re:**

Action brought against the decision of the Second Board of Appeal of OHIM of 18 August 2009 (Case R 1253/2008-2), relating to invalidity proceedings between Jacson of Scandinavia AB and Fercal — Consultadoria e Serviços, Lda.

**Operative part of the judgment**

*The Court:*

1. Dismisses the action;
2. Orders Fercal — Consultadoria e Serviços, Lda to pay the costs.

<sup>(1)</sup> OJ C 63, 13.3.2010.

**Judgment of the General Court of 29 January 2013 — Cosepuri v EFSA**

(Joined Cases T-339/10 and T-532/10) <sup>(1)</sup>

*(Public service contracts — Tender procedure — Shuttle service in Italy and Europe — Tenderer's bid rejected — Decision to award the contract to another tenderer — Non-contractual liability — Access to documents — Regulation (EC) No 1049/2001 — Bid of the successful tenderer — Access refused — Exception relating to the protection of the commercial interests of a third party)*

(2013/C 71/22)

Language of the case: Italian

**Parties**

*Applicant:* Cosepuri Soc. Coop. pA (Bologna, Italy) (represented by: F. Fiorenza, lawyer)

*Defendant:* European Food Safety Authority (EFSA) (represented by: D. Detken and S. Gabbi, acting as Agents, and J. Stuyck and A.-M. Vandromme, lawyers)

**Re:**

Application for annulment relating to tender procedure CFT/EFSA/FIN/2010/01 for the award of a shuttle service contract in Italy and Europe (OJ 2010/S 51-074689), together with a claim for damages (Case T-339/10), and an application for annulment of EFSA's decision of 15 September 2010 refusing to grant the applicant access to the bid of the successful tenderer in the tender procedure in question (Case T-532/10)

**Operative part of the judgment**

*The Court:*

1. Dismisses the actions;
2. Orders Cosepuri Soc. Coop. pA to pay the costs.

<sup>(1)</sup> OJ C 288, 23.10.2010.