

2. Orders the OHIM to pay the costs.

(<sup>1</sup>) OJ C 80, 17.3.2012.

**Judgment of the General Court of 28 November 2013 —  
Vitaminaqua v OHIM — Energy Brands (vitaminaqua)**

(Case T-410/12) (<sup>1</sup>)

*(Community trade mark — Opposition proceedings — Application for the Community figurative mark vitaminaqua — Earlier national word marks VITAMINWATER — Earlier Community figurative mark GLACEAU vitamin water — Likelihood of confusion — Article 8(1)(b) of Regulation (EC) No 207/2009)*

(2014/C 15/20)

Language of the case: Hungarian

**Parties**

*Applicant:* Vitaminaqua Ltd (London, United Kingdom) (represented by: A. Krajnyák, lawyer)

*Defendant:* Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by: J. Németh and D. Walicka, acting as Agents)

*Other party to the proceedings before the Board of Appeal of OHIM, intervener before the General Court:* Energy Brands, Inc. (White-stone, United States of America) (represented by: S. Malynicz, D. Stone and L. Ritchie, lawyers)

**Re:**

Action brought against the decision of the First Board of Appeal of OHIM of 26 June 2012 (Case R 997/2011-1) relating to opposition proceedings between Energy Brands Inc. and Vitaminaqua Ltd.

**Operative part of the judgment**

*The Court:*

1. Dismisses the action;

2. Orders Vitaminaqua Ltd to pay the costs.

(<sup>1</sup>) OJ C 355, 17.11.2012.

**Judgment of the General Court of 28 November 2013 —  
Gaumina v EIGE**

(Case T-424/12) (<sup>1</sup>)

*(Public service contracts — Tender procedure — Provision of services to support the communication activities of the EIGE — Rejection of a tender — Obligation to state reasons)*

(2014/C 15/21)

Language of the case: Lithuanian

**Parties**

*Applicant:* Gaumina UAB (Vilnius, Lithuania) (represented by: S. Aviža and D. Soloveičikas, lawyers)

*Defendant:* European Institute for Gender Equality (EIGE) (represented by: V. Langbakk, acting as Agent, and by J. Stuyck and A.-M. Vandromme, lawyers)

**Re:**

Application for annulment of the decision of the EIGE of 26 July 2012 to reject the tender of the applicant in tender procedure No EIGE/2012/ADM/13.

**Operative part of the judgment**

*The Court:*

1. Annuls the decision of the European Institute for Gender Equality (EIGE) of 26 July 2012 to reject the tender of Gaumina UAB in tender procedure No EIGE/2012/ADM/13;

2. Orders the EIGE to bear its own costs and to pay those incurred by Gaumina.

(<sup>1</sup>) OJ C 373, 1.12.2012.