

- annul the decision of the European Railway Agency which was communicated to the applicants by letter dated 01/07/2015 from the Head of Resources and Support Unit and whereby ERA ranked in second place the applicant's tender for one of three individual lots and specifically for Lot 2 'Off-site information system development, support and assistance', in the framework of the open procurement procedure No 2015/S 019-029728 titled 'ERA/2015/01/OP ESP-EISD 5 — External Service Provision for ERA Information System', and
- order the European Railway Agency to pay all the costs of the applicants.

Pleas in law and main arguments

In the opinion of the applicants, the contested decisions should be annulled, under Article 263 TFEU, due to a breach by ERA of the obligation to state reasons, since it provided an inadequate statement of reasons with regard to the assessment of the applicants' technical tender with respect to the existence of excessively low tenders.

Action brought on 28 July 2015 — Gappol Marzena Porczyńska v OHIM — GAP (ITM) (GAPPoL)

(Case T-411/15)

(2015/C 328/13)

Language in which the application was lodged: Polish

Parties

Applicant: PP Gappol Marzena Porczyńska (Łódź, Poland) (represented by: J. Gwiazdowska, lawyer)

Defendant: Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM)

Other party to the proceedings before the Board of Appeal: GAP (ITM), Inc. (San Francisco, United States of America)

Details of the proceedings before OHIM

Applicant for the Community trade mark: The applicant

Trade mark at issue: Community figurative mark containing the word element 'GAPPoL' — Application No 8 346 165

Procedure before OHIM: Opposition proceedings

Contested decision: Decision of the First Board of Appeal of OHIM of 13 May 2015 in Case R 686/2013-1

Form of order sought

The applicant claims that the Court should:

- set aside the contested decision;
- give a final decision by amending the decision of the Board of Appeal by rejecting the opposition also in regard to the goods in Classes 20 and 25;
- order OHIM to pay the costs of the proceedings.

Pleas in law

- Infringement of Articles 59 and 64(1) of Council Regulation (EC) No 207/2009 of 26 February 2009 on the Community trade mark (OJ 2009 L 78, p. 1) ('Regulation No 207/2009');
- Infringement of Article 75 of Regulation No 207/2009 and of Rule 50(2)(h) of Commission Regulation (EC) No 2868/95 of 13 December 1995 implementing Council Regulation (EC) No 40/94 on the Community trade mark (OJ 1995 L 303, p. 1) ('Regulation No 2868/95');
- Infringement of Article 76 of Regulation No 207/2009 and of Rule 50(2)(g) of Regulation No 2868/95;
- Infringement of Article 8(1)(b) of Regulation No 207/2009;
- Infringement of Articles 8(5) and 9(1)(c) of Regulation No 207/2009.

Action brought on 28 July 2015 — U-R LAB/OHIM (THE DINING EXPERIENCE)**(Case T-422/15)**

(2015/C 328/14)

*Language of the case: French***Parties***Applicant:* U-R LAB (Paris, France) (represented by: G. Barbaut, lawyer)*Defendant:* Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM)**Details of the proceedings before OHIM***Trade mark at issue:* Community figurative mark containing the word elements 'THE DINING EXPERIENCE' — Application for registration No 12 587 697*Contested decision:* Decision of the Fourth Board of Appeal of OHIM of 20 May 2015 in Case R 2541/2014-4**Form of order sought**

The applicant claims that the Court should:

- annul and alter the contested decision;
- order OHIM to pay the costs.

Plea in law

- Infringement of Article 7(1)(b) of Regulation No 207/2009.
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