

**Operative part of the judgment**

The Court:

1. Annuls the decision of the European Centre for the Development of Vocational Training (Cedefop) of 8 October 2012 rejecting the tender submitted by Mr Panteleimon Zafeiropoulos in response to the contract notice dated 19 June 2012 concerning the provision of medical services to Cedefop staff in Thessaloniki (Greece) and the decision of Cedefop of 9 October 2012 awarding the contract set out in that contract notice to a tenderer other than **Mr Zafeiropoulos**;
2. Dismisses the action as to the remainder;
3. Orders Cedefop to bear its own costs and to pay one third of the costs incurred by Mr Zafeiropoulos;
4. Orders Mr Zafeiropoulos to bear two thirds of his own costs.

<sup>(1)</sup> OJ C 46, 16.2.2013.

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**Judgment of the General Court of 2 February 2016 — Benelli Q.J. Srl v OHIM — Demharter (MOTO B)**

(Case T-169/13) <sup>(1)</sup>

*(Community trade mark — Opposition proceedings — Application for the Community figurative mark MOTO B — Earlier non-registered national figurative marks MOTOBI — Relative ground for refusal — Evidence that the earlier non-registered marks are well known — Article 8(2)(c) of Regulation (EC) No 207/2009 — Article 6bis of the Paris Convention — Evidence submitted in support of the opposition after the expiry of the period set for that purpose — Failure to take account thereof — Discretion of the Board of Appeal — Provision to the contrary — Circumstances precluding additional or supplementary evidence from being taken into account — Article 76(2) of Regulation No 207/2009 — Rules 19 and 20 of Regulation (EC) No 2868/95 — Rule 50(1), third subparagraph, of Regulation No 2868/95 — First sentence of Article 75 of Regulation No 207/2009 — Obligation to state reasons)*

(2016/C 098/37)

Language of the case: English

**Parties**

*Applicant:* Benelli Q.J. Srl (Pesaro, Italy) (represented by: P. Lukácsi and B. Bozóki, lawyers)

*Defendant:* Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by: initially F. Mattina and subsequently P. Bullock, acting as Agents)

*Other party to the proceedings before the Board of Appeal of OHIM, intervening before the General Court:* Demharter GmbH (Dillingen, Germany) (represented by: A. Kohn, lawyer)

**Re:**

Action brought against the decision of the Second Board of Appeal of OHIM of 16 January 2013 (Case R 95/2012-2), relating to opposition proceedings between Benelli Q.J. Srl and Demharter GmbH.

**Operative part of the judgment**

The Court:

1. Dismisses the action;

2. Orders Benelli Q.J. Srl to pay the costs.

<sup>(1)</sup> OJ C 147, 25.5.2013.

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**Judgment of the General Court of 2 February 2016 — Benelli Q.J. v OHIM — Demharter (MOTOBI)**

**(Case T-170/13) <sup>(1)</sup>**

**(Community trade mark — Revocation proceedings — Community word mark MOTOBI — Genuine use of the mark — Article 51(1)(a) of Regulation (EC) No 207/2009)**

(2016/C 098/38)

Language of the case: English

**Parties**

*Applicant:* Benelli Q.J. Srl (Pesaro, Italy) (represented by: P. Lukácsi and B. Bozóki, lawyers)

*Defendant:* Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by: initially F. Mattina and subsequently P. Bullock, acting as Agents)

*Other party to the proceedings before the Board of Appeal of OHIM, intervening before the General Court:* Demharter GmbH (Dillingen, Germany) (represented by: A. Kohn, lawyer)

**Re:**

Action brought against the decision of the Second Board of Appeal of OHIM of 16 January 2013 (Case R 2080/2011-2), relating to revocation proceedings between Demharter GmbH and Benelli Q.J. Srl.

**Operative part of the judgment**

*The Court:*

1. Dismisses the action;
2. Orders Benelli Q.J. Srl to pay the costs.

<sup>(1)</sup> OJ C 147, 25.5.2013.

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**Judgment of the General Court of 2 February 2016 — Benelli Q.J. v OHIM — Demharter (MOTOBI B PESARO)**

**(Case T-171/13) <sup>(1)</sup>**

**(Community trade mark — Revocation proceedings — Community figurative mark MOTOBI B PESARO — Genuine use of the mark — Article 51(1)(a) of Regulation (EC) No 207/2009 — Evidence submitted against the application for revocation after the expiry of the period set for that purpose — Failure to take account thereof — Discretion of the Board of Appeal — Provision to the contrary — Circumstances precluding additional or supplementary evidence from being taken into account — Article 76(2) of Regulation No 207/2009 — Rule 50(1), third subparagraph, of Regulation (EC) No 2868/95)**

(2016/C 098/39)

Language of the case: English

**Parties**

*Applicant:* Benelli Q.J. Srl (Pesaro, Italy) (represented by: P. Lukácsi and B. Bozóki, lawyers)