

Judgment of the General Court of 3 April 2017 — Cop v EUIPO — Conexa (AMPHIBIAN)(Case T-215/16) ⁽¹⁾**(EU trade mark — Invalidity proceedings — International registration designating the European Union — Figurative mark AMPHIBIAN — Absolute grounds for refusal — Distinctive character — Lack of descriptive character — Article 7(1)(b) and (c) of Regulation (EC) No 207/2009)**

(2017/C 151/46)

*Language of the case: German***Parties***Applicant:* Cop Vertriebs-GmbH (Aresing, Germany) (represented by: H. Hofmann, lawyer)*Defendant:* European Union Intellectual Property Office (represented by: D. Hanf, acting as Agent)*Other party to the proceedings before the Board of Appeal of EUIPO, intervener before the General Court:* Conexa LLC (Dover, Delaware, United States) (represented by: H. Twelmeier, lawyer)**Re:**

Action brought against the decision of the Fourth Board of Appeal of EUIPO of 7 March 2016 (Case R 1984/2015-4) relating to invalidity proceedings between Cop and Conexa.

Operative part of the judgment*The Court:*

1. *dismisses the action;*
2. *orders Cop Vertriebs-GmbH to pay the costs.*

⁽¹⁾ OJ C 251, 11.7.2016.

Action brought on 23 February 2017 — Proximus v Council

(Case T-117/17)

(2017/C 151/47)

*Language of the case: English***Parties***Applicant:* Proximus SA/NV (Brussels, Belgium) (represented by: B. Schutyser, lawyer)*Defendant:* Council of the European Union**Form of order sought**

The applicant claims that the Court should:

- annul the decision of the Council notified to the applicant on 23 December 2016, to award the contract to another tenderer and not to the applicant;
- order the Council to pay the costs of the proceedings.

Pleas in law and main arguments

In support of the action, the applicant relies on one plea in law, alleging that the methodology applied to evaluate the price of the offers does not allow to choose the most economically advantageous offer, which is required by European Union law.