

Operative part

The Court:

1. Dismisses the application;
2. Orders Mr Philippe Guigard to pay the costs.

Judgment of the Court of First Instance (Third Chamber) of 12 March 2008 — European Service Network v Commission

(Case T-332/03)

(Public service contracts — Community tendering procedure — Provision of services for the development and provision of services in support of the Community Research and Development Service (CORDIS) — Rejection of a tender — Principles of equal treatment as between tenderers and transparency — Compliance with the award criteria set out in the tendering specifications)

1. *European Communities' public procurement — Tendering procedure (see paras 122, 125-127, 130, 142, 145, 147, 148)*
2. *European Communities' public procurement — Conclusion of a contract following a call for tenders (see para. 213)*
3. *Procedure — Application initiating proceedings — Formal requirements (Statute of the Court of Justice, Arts 21, first para., and 53, first para.; Rules of Procedure of the Court of First Instance, Arts 44(1)(c) and 48(2)) (see paras 229-231)*

Re:

APPLICATION for the annulment of the decision to award the contract which is the subject of the Commission's call for tenders ENTR/02/55 — CORDIS Lot 1 for the development and provision of services in support of the Community Research and Development Service (CORDIS).

Operative part

The Court:

1. Dismisses the application;
2. Orders European Service Network (ESN) to pay the costs.

**Judgment of the Court of First Instance (Fourth Chamber) of 12 March 2008 —
Sebirán v OHIM — El Coto de Rioja (Coto D'Arcis)**

(Case T-332/04)

(Community trade mark — Opposition proceedings — Application for Community figurative mark Coto D'Arcis — Earlier Community word marks EL COTO and COTO DE IMAZ — Relative ground for refusal — Likelihood of confusion — No damage to reputation — Article 8(1)(b) and (5) of Regulation (EC) No 40/94)

Community trade mark — Definition and acquisition of the Community trade mark — Relative grounds for refusal — Opposition by the proprietor of an earlier identical or similar mark registered for identical or similar goods or services — Likelihood of confusion with the earlier mark (Council Regulation No 40/94, Art. 8(1)(b)) (see paras 45, 53)