

**Judgment of the General Court of 27 January 2010 — REWE Zentral v OHIM — Grupo Corporativo Teype (Solfrutta)**

(Case T-331/08) <sup>(1)</sup>

*(Community trade mark — Opposition proceedings — Application for Community word mark Solfrutta — Earlier Community word mark FRUTISOL — Relative grounds for refusal — Likelihood of confusion — Partial refusal of registration — Article 8(1)(b) of Regulation (EC) No 40/94 (now Article 8(1)(b) of Regulation (EC) No 207/2009)*

(2010/C 63/82)

Language of the case: English

**Parties**

*Applicant:* REWE Zentral AG (Cologne, Germany) (represented by: M. Kinkeldey and A. Bognár, lawyers)

*Defendant:* Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by: A. Folliard-Monguiral, Agent)

*Other party to the proceedings before the Board of Appeal of OHIM intervening before the General Court:* Grupo Corporativo Teype, SL (Madrid, Spain)

**Re:**

Action brought against the decision of the Second Board of Appeal of OHIM of 21 May 2008 (Case R 1679/2007-2) relating to opposition proceedings between Grupo Corporativo Teype, SL and REWE-Zentral AG.

**Operative part of the judgment**

The Court:

1. Annuls the decision of the Second Board of Appeal of OHIM of 21 May 2008 (Case R 1679/2007-2);
2. Orders OHIM to pay the costs.

<sup>(1)</sup> OJ C 260 of 11.10.2008.

**Order of the President of the General Court of 20 January 2010 — Agriconsulting Europe v Commission**

(Case T-443/09 R)

*(Application for interim measures — Public procurement — Tendering procedure — Rejection of a tender — Application for suspension of operation and for interim measures — Loss of opportunity — Absence of serious and irreparable damage — No urgency)*

(2010/C 63/83)

Language of the case: Italian

**Parties**

*Applicant:* Agriconsulting Europe SA (Brussels, Belgium) (represented by: F. Sciaudone, R. Sciaudone and A. Neri, lawyers)

*Defendant:* European Commission (represented by: A. Bordes and L. Prete, acting as Agents)

**Re:**

Application for interim relief concerning the tendering procedure EuropeAid/127054/C/SER/Multi relating to short-term services in the exclusive interest of third countries benefiting from European Commission external aid.

**Operative part of the order**

1. The application for interim measures is dismissed.
2. The costs are reserved.

**Action brought on 30 November 2009 — Fercal Consultadoria e Serviços v OHIM**

(Case T-474/09)

(2010/C 63/84)

Language in which the application was lodged: Portuguese

**Parties**

*Applicant:* Fercal — Consultadoria e Serviços, Ltda (Lisbon, Portugal) (represented by: A. Rodrigues, lawyer)