

**Judgment of the General Court of 20 September 2011 —
Evropaiki Dynamiki v EIB**

(Case T-461/08) ⁽¹⁾

(Public service contracts — Tender procedure — Provision of services in the form of assistance in the maintenance, support and development of an information technology system — Rejection of a tenderer's bid — Contract awarded to another tenderer — Action for annulment — Admissibility — Jurisdiction — Obligation to state reasons — Right to an effective remedy — Transparency — Proportionality — Equal treatment and non-discrimination — Selection and award criteria — Action for damages — Admissibility — Loss of profit)

(2011/C 319/25)

Language of the case: English

Parties

Applicant: Evropaiki Dynamiki — Proigmena Systemata Tilepikoinonion Pliroforikis kai Tilematikis AE (Athens, Greece) (represented by: N. Korogiannakis and P. Katsimani, lawyers)

Defendant: European Investment Bank (EIB) (represented by: C. Gómez de la Cruz and T. Pietilä, Agents, and J. Stuyck, lawyer)

Re:

Application, first, for annulment of the EIB's decision of 31 January 2008 not to accept the tender submitted by the applicant in connection with a call for tenders for the provision of services in the form of assistance in the maintenance, support and development of an information technology system and to award the contract to another tenderer, on the basis of Articles 225 EC and 230 EC, and, second, for damages, on the basis of Articles 225 EC, 235 EC and 288 EC.

Operative part of the judgment

The Court:

1. Annuls the decision of the European Investment Bank (EIB) not to accept the tender submitted by Evropaiki Dynamiki — Proigmena Systemata Tilepikoinonion Pliroforikis kai Tilematikis AE in the context of call for tenders 2007/S 176-215155 for the provision of services in the form of 'assistance in the maintenance, support and development of the Loans Front Office system (Serapis)' and to award the contract to Sybase BVBA;
2. Dismisses the action as to the remainder;
3. Orders the EIB to pay the costs.

⁽¹⁾ OJ C 19, 24.1.2009.

**Judgment of the General Court of 23 September 2011 —
NEC Display Solutions Europe v OHIM — C More
Entertainment (see more)**

(Case T-501/08) ⁽¹⁾

(Community trade mark — Opposition proceedings — Application for a Community figurative mark 'see more' — Earlier national word marks CMORE — Relative ground for refusal — Likelihood of confusion — Article 8(1)(b) of Regulation (EC) No 40/94 (now Article 8(1)(b) of Regulation (EC) No 207/2009))

(2011/C 319/26)

Language of the case: English

Parties

Applicant: NEC Display Solutions Europe GmbH (Munich, Germany) (represented by: P. Munzinger, lawyer)

Defendant: Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by: W. Verburg, Agent)

Other party to the proceedings before the Board of Appeal of OHIM, intervening before the General Court: C More Entertainment AB (Stockholm, Sweden) (represented by: R. Almaraz Palmero, lawyer)

Re:

Action brought against the decision of the Fourth Board of Appeal of OHIM of 28 August 2008 (Case R 1388/2007-4) relating to opposition proceedings between C More Entertainment AB and NEC Display Solutions Europe GmbH

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders NEC Display Solutions Europe GmbH to pay the costs.

⁽¹⁾ OJ C 19, 24.1.2009.

**Judgment of the General Court of 20 September 2011 —
Dornbracht v OHIM — Metaform Lucchese (META)**

(Case T-1/09) ⁽¹⁾

(Community trade mark — Opposition procedure — Application for the Community word mark META — Earlier Community figurative mark METAFORM — Relative grounds for refusal — Similarity of the goods and the signs — Refusal of registration — Article 8(1)(b) of Regulation (EC) No 40/94 (now Article 8(1)(b) of Regulation (EC) No 207/2009) — Likelihood of confusion)

(2011/C 319/27)

Language of the case: German

Parties

Applicant: Aloys F. Dornbracht GmbH & Co KG (Iserlohn, Germany) (represented by: P. Mes, C. Graf von der Groeben, G. Rother, J. Bühling, A. Verhauwen, J. Künzel, D. Jestaedt and M. Bergermann, lawyers)