

**Judgment of the General Court of 26 March 2010 — Proges v Commission**(Case T-577/08) <sup>(1)</sup>*(Public service contracts — Community tendering procedure — Programme for creation of land use models — Rejection of tenderer's bid — Action for annulment — Interest in bringing proceedings — Admissibility — Award criteria)*

(2010/C 134/55)

Language of the case: Italian

**Parties***Applicant:* Proges — Progetti di sviluppo Srl (Rome, Italy) (represented by: M. Falcetta, lawyer)*Defendant:* European Commission (represented by: N. Bambara and E. Manhaeve, Agents, assisted by A. Dal Ferro, lawyer)**Re:**

Application for annulment of the Commission decision of 29 October 2008 not to accept the tender submitted by the applicant in a tendering procedure relating to the implementation of a programme for the creation of land use models, and also a claim for damages for the losses incurred by the applicant.

**Operative part of the judgment***The Court:*

1. Dismisses the application;
2. Orders Proges — Progetti di sviluppo Srl to bear its own costs and to pay those incurred by the Commission.

<sup>(1)</sup> OJ C 44, 21.2.2009.**Judgment of the General Court of 24 March 2010 — Eliza v OHIM — Went Computing Consultancy Group (eliza)**(Case T-130/09) <sup>(1)</sup>*(Community trade mark — Opposition proceedings — Application for Community figurative mark incorporating the word eliza — Earlier Community word mark ELISE — Relative grounds for refusal — Likelihood of confusion — 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 134/56)

Language of the case: English

**Parties***Applicant:* Eliza Corporation (Beverly, United States) (represented by: R. Köbbing, lawyer)*Defendant:* Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM) (represented by: A. Folliard-Monguiral, Agent)*Other party to the proceedings before the Board of Appeal of OHIM, intervener before the Court:* Went Computing Consultancy Group BV (Utrecht, Netherlands) (represented by: A. Meijboom, lawyer)**Re:**

Action brought against the decision of the Second Board of Appeal of OHIM of 28 July 2008 (Case R 1244/2008-4) relating to opposition proceedings between Went Computing Consultancy Group BV and Eliza Corp.

**Operative part of the judgment***The Court:*

1. Dismisses the action;
2. Orders Eliza Corporation to bear its own costs and to pay the costs incurred by the Office for Harmonisation in the Internal Market (Trade Marks and Designs) and by Went Computing Consultancy Group BV.

<sup>(1)</sup> OJ C 153, 4.7.2009.