

**Judgment of the General Court of 22 September 2011 —
Cesca Group v OHIM — Mangini & C. (Mangiami)**

(Case T-250/09) ⁽¹⁾

*(Community trade mark — Invalidity Proceedings —
Community figurative mark Mangiami — Earlier inter-
national word mark MANGINI — Admissibility of new
evidence — Article 76(2) of Regulation (EC) No 207/2009)*

(2011/C 319/30)

Language of the case: Italian

Parties

Applicant: Cesca Group Srl (Rome, Italy) (represented by: D. De Simone, D. Demarinis and J. Wrede, lawyers)

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

Other party to the proceedings before the Board of Appeal of OHIM intervening before the General Court: Mangini & C. Srl (Sestri Levante, Italy)

Re:

Action brought against the decision of the Second Board of Appeal of OHIM of 20 April 2009 (Case R 982/2008-2) relating to invalidity proceedings between Mangini & C. Srl and Cesca Group Srl.

Operative part of the judgment

The Court

1. Annuls the decision of the Second Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM) of 20 April 2009 (Case R 982/2008-2).
2. Orders OHIM to pay the costs.

⁽¹⁾ OJ C 193, 15.8.2009.

Judgment of the General Court (Second Chamber) of 20 September 2011 — Evropaiki Dynamiki v Commission

(Case T-298/09) ⁽¹⁾

(Public service contracts — Community tendering procedure — Supply of external services for educational programmes — Award of the contract to several tenderers — Tenderer's ranking — Action for annulment — Obligation to state the reasons on which the decision is based — Grounds for exclusion from the contract award procedure — Article 93(1)(f) of the Financial Regulation — Tender validity period — Non-contractual liability)

(2011/C 319/31)

Language of the case: English

Parties

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

Defendant: European Commission (represented by: N. Bambara and E. Manhaeve, Agents, assisted by P. Wytinck, lawyer)

Re:

APPLICATION, first, for annulment of two Commission decisions, communicated in two separate letters of 12 May 2009 ranking the applicant, for its tenders in response to the open call for tenders EAC/01/2008 for external service provision for educational programmes (ESP-ISEP) (OJ 2008/S 158-212752), for Lot No 1 (IS (information system) Development and Maintenance) and for Lot No 2 (IS (information system) Studies, Testing, Training and Support), as second contractor for each of those lots and, secondly, for damages

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Evropaiki Dynamiki — Proigmena Systemata Tilepikoinonion Pliroforikis kai Tilematikis AE to bear its own costs and to pay those incurred by the European Commission.

⁽¹⁾ OJ C 233, 26.9.2009.

Judgment of the General Court of 21 September 2011 — Adjemian and Others v Commission

(Case T-325/09 P) ⁽¹⁾

(Appeals — Civil service — Agents — Contract of employment for a fixed period — Refusal to conclude a new contract of employment or to renew a contract of employment for an indefinite period — Framework Agreement on fixed-term work — Directive 1999/70/EC — Article 88 of the CEOS — Commission decision concerning the maximum duration of the recourse to non-permanent staff in the Commission's services)

(2011/C 319/32)

Language of the case: French

Parties

Appellant: Vahan Adjemian (Angera, Italy) and the 175 agents and former agents of the European Commission whose names appear in annex to the judgment (represented by: S. Orlandi, A. Coolen, J.-N. Louis and É. Marchal, lawyers)

Other parties to the proceedings: European Commission (represented by: J. Currall and D. Martin, Agents); and Council of the European Union (represented by: M. Bauer and K. Zieleśkiewicz, Agents)

Re:

Appeal brought against the judgment of the Civil Service Tribunal of the European Union (Second Chamber) delivered on 4 June 2009 in Joined Cases F-134/07 and F-8/08 *Adjemian and Others v Commission* (not yet published in the ECR), asking for that judgment to be set aside.