

**Judgment of the General Court of 16 November 2011 —
McLoughney v OHIM — Kern (Powerball)**

(Case T-484/09) ⁽¹⁾

(Community trade mark — Opposition proceedings — Application for the Community word mark Powerball — Earlier unregistered word mark POWERBALL — Relative grounds for refusal — Article 8(3) and (4) of Regulation (EC) No 207/2009)

(2012/C 6/20)

Language of the case: German

Parties

Applicant: Rory McLoughney (Thurles, Ireland) (represented by: J. Stratford Lysandrides, lawyer)

Defendant: Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by: S. Schäffner, acting as Agent)

Other party to the proceedings before the Board of Appeal of OHIM: Ernst Kern (Zahling, Germany)

Re:

Action brought against the decision of the Fourth Board of Appeal of OHIM of 30 September 2009 (Case R 1547/2006-4), relating to opposition proceedings between Mr Rory McLoughney and Mr Ernst Kern

Operative part of the judgment

The Court:

1. dismisses the action;
2. orders Mr Rory McLoughney to pay the costs.

⁽¹⁾ OJ C 37, 13.2.2010.

**Judgment of the General Court (Sixth Chamber) of 15
November 2011 — CTG Luxembourg PSF v Court of
Justice**

(Joined Cases T-170/10 and T-340/10) ⁽¹⁾

(Public service contracts — Procurement procedure — Provision of support services to IT systems users — Rejection of a tenderer's bid because it was lodged out of time — Award of contract to another tenderer — Action for annulment — Non-contractual liability)

(2012/C 6/21)

Language of the case: French

Parties

Applicant: Computer Task Group Luxembourg PSF SA (CTG Luxembourg PSF) (Bertrange, Luxembourg) (represented by: M. Thewes and B. Marthoz, lawyers)

Defendant: Court of Justice of the European Union (represented by: A. Placco, Agent)

Re:

Applications (i) for annulment, first, of decision of the Court of Justice of 9 February 2010 to reject the tender submitted by the consortium of which the applicant is a member in the context of procurement procedure reference AO 008/2009 entitled '1st and 2nd level support for the users of IT and telephone systems, call centre, end user hardware management' and, secondly, of the decision of 5 March 2010 confirming the rejection and, thirdly, the decision to award the contract to another tenderer, and (ii) for compensation for the loss allegedly incurred by the applicant as a result of those decisions.

Operative part of the judgment

The Court:

1. Dismisses the applications;
2. Orders Computer Task Group Luxembourg PSF SA (CTG Luxembourg PSF) to pay the costs.

⁽¹⁾ OJ C 161, 19.6.2010.

**Judgment of the General Court of 15 November 2011 — El
Coto de Rioja v OHIM — Álvarez Serrano (COTO DE
GOMARIZ)**

(Case T-276/10) ⁽¹⁾

(Community trade mark — Invalidity proceedings — Figurative Community mark COTO DE GOMARIZ — Prior Community word marks COTO DE IMAZ and EL COTO — Relative ground for refusal — Likelihood of confusion — Similarity of the signs — Article 8(1)(b) of Regulation (EC) No 207/2009)

(2012/C 6/22)

Language of the case: Spanish

Parties

Applicant: El Coto de Rioja, SA (Oyón, Spain) (represented by: J. Grimau Muñoz and J. Villamor Mugerza, lawyers)

Defendant: Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by: J. Crespo Carrillo, acting as Agent)

Other party to the proceedings before the Board of Appeal of OHIM: María Álvarez Serrano (Gomariz Leiro, Spain)

Re:

Action brought against the decision of the Fourth Board of Appeal of OHIM of 28 April 2010 (Case R 1020/2008-4) concerning invalidity proceedings between El Coto de Rioja, SA and Ms María Álvarez Serrano.