

**Judgment of the General Court of 6 July 2011 —
Timehouse v OHIM (Shape of a watch with jagged edges)**

(Case T-235/10) ⁽¹⁾

(Community trade mark — Application for a three-dimensional mark — Shape of a watch with jagged edges — Absolute ground for refusal — Lack of distinctive character — Article 7(1)(b) of Regulation (EC) No 207/2009)

(2011/C 238/24)

Language of the case: German

Parties

Applicant: Timehouse GmbH (Eystrup, Germany) (represented by: V. Knies, lawyer)

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

Re:

Action brought against the decision of the First Board of Appeal of OHIM of 11 March 2011 (Case R 0942/2009-1), concerning an application for registration of a three-dimensional sign consisting of the shape of a watch as a Community trade mark.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Timehouse GmbH to pay the costs.

⁽¹⁾ OJ C 209, 31.7.2010.

**Order of the General Court of 27 June 2011 — Amecke
Fruchtsaft v OHIM — Uhse (69 Sex up)**

(Case T-343/09) ⁽¹⁾

(Community trade mark — Opposition — Withdrawal of the opposition — No need to adjudicate)

(2011/C 238/25)

Language of the case: German

Parties

Applicant: Amecke Fruchtsaft GmbH & Co. KG (Menden, Germany) (represented by: R. Kaase and J.-C. Plate, lawyers)

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

Other party to the proceedings before the Board of Appeal of OHIM, intervener before the General Court: Beate Uhse Einzelhandels GmbH (Flensburg, Germany) (represented by: W. Berlit, lawyer)

Re:

Action brought against the decision of the First Board of Appeal of OHIM of 11 June 2009 (Case R 1728/2008-1) concerning opposition proceedings between Beate Uhse Einzelhandels GmbH and Amecke Fruchtsaft GmbH & Co. KG.

Operative part of the order

1. There is no longer any need to adjudicate.
2. The applicant shall pay the costs.

⁽¹⁾ OJ C 267, 7.11.2009.

**Order of the General Court of 22 June 2011 — Evropaiki
Dynamiki v Commission**

(Case T-409/09) ⁽¹⁾

(Non-contractual liability — Public service contracts — Rejection of a tenderer's bid — Annulment of the decision by a judgment of the General Court — Limitation period — Time-limits on account of distance — Action in part inadmissible and in part manifestly unfounded in law)

(2011/C 238/26)

Language of the case: English

Parties

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

Defendant: European Commission (represented by: M. Wilderspin and E. Manhaeve, acting as Agents)

Re:

Action for damages for the loss allegedly suffered by the applicant as a result of the decision of the Commission of 15 September 2004 rejecting its bid and awarding the contract to another tenderer in the course of the tendering procedure for the provision of computer and related services linked to the information systems of the Directorate-General for Fisheries.

Operative part of the order

1. The action is dismissed.
2. Evropaiki Dynamiki — Proigmena Systimata Tilepikoinonion Pliroforikis kai Tilematikis AE shall pay the costs.

⁽¹⁾ OJ C 11, 16.1.2010.

**Order of the General Court of 21 June 2011 — Rosenbaum
v Commission**

(Case T-452/09 P) ⁽¹⁾

(Appeal — Civil service — Officials — Classification in grade at the time of recruitment — Taking account of the professional experience of the person concerned — Article 31 of the Staff Regulations — Obligation to state reasons)

(2011/C 238/27)

Language of the case: German

Parties

Appellant: Eckehard Rosenbaum (Berlin, Germany) (represented by: H.-J. Rüber, lawyer)