

Order of the Court (Fifth Chamber) of 30 September 2011 — Sociedade Quinta do Portal, SA v Office for Harmonisation in the Internal Market (Trade Marks and Designs), Vallegre, Vinhos do Porto SA

(Case C-541/10 P) ⁽¹⁾

(Appeal — Community trade mark — Regulation (EC) No 207/2009 — Article 8(1)(b) — Community word mark PORTO ALEGRE — Earlier national word mark VISTA ALEGRE — Relative ground for refusal — Likelihood of confusion — Declaration of invalidity of the mark)

(2012/C 25/39)

Language of the case: Portuguese

Parties

Appellant: Sociedade Quinta do Portal, SA (represented by: F. Bolota Belchior, advogado)

Other parties to the proceedings: Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by: P. López Ronda and G. Macias Bonilla, abogados), Vallegre, Vinhos do Porto SA

Re:

Appeal brought against the judgment of the General Court (Eighth Chamber) of 8 September 2010 in Case T-369/09 *Quinta do Portal v OHIM — Vallegre*, by which the General Court dismissed the action brought against the decision of the First Board of Appeal of OHIM of 18 June 2009 (Case R 1012/2008-1) relating to proceedings for a declaration of invalidity between Vallegre, Vinhos do Porto SA and Sociedade Quinta do Portal, SA

Operative part of the order

1. *The appeal is dismissed.*
2. *Quinta do Portal, SA is ordered to pay the costs.*

⁽¹⁾ OJ C 38, 5.2.2011.

Order of the Court (Sixth Chamber) of 13 September 2011 — Hans-Peter Wilfer v Office for Harmonisation in the Internal Market (Trade Marks and Designs)

(Case C-546/10 P) ⁽¹⁾

(Appeal — Community trade mark — Figurative sign representing the headstock of a guitar — Refusal to register — Absolute ground for refusal — Lack of distinctiveness — Ex officio examination of the facts — Articles 7(1)(b) and 74(1) of Regulation (EC) No 40/94 — Admissibility of evidence submitted for the first time before the General Court — Equality of treatment)

(2012/C 25/40)

Language of the case: German

Parties

Appellant: Hans-Peter Wilfer (represented by: W. Prinz, Rechtsanwalt)

Other party to the proceedings: Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by: G. Schneider, agent)

Re:

Appeal brought against the judgment of the General Court (Fourth Chamber) of 8 September 2010 in Case T-458/08 *Wilfer v OHIM*, by which the General Court dismissed the action of annulment brought against the decision of the Fourth Board of Appeal of OHIM of 25 July 2008, dismissing the appeal against the decision of the examiner who partially refused registration of the figurative sign representing the headstock of a guitar coloured silver, grey and brown as a Community trade mark for certain goods in Classes 9 to 15 — Distinctiveness of a figurative sign constituted by the two-dimensional representation of part of the product

Operative part of the order

1. *The appeal is dismissed.*
2. *Mr Wilfer is ordered to pay the costs.*

⁽¹⁾ OJ C 30, 29.1.2011.

Order of the Court of 20 September 2011 — Evropaïki Dynamiki — Proigmena Systimata Tilepikoinonion Pliroforikis kai Tilematikis AE v European Commission

(Case C-561/10 P) ⁽¹⁾

(Appeal — Public service contracts — Invitation to tender — Computing services for the maintenance of the SEI-BUD/AMD/CR systems — Rejection of the tender — Inadequate statement of reasons — Incorrect assessment of the facts and evidence)

(2012/C 25/41)

Language of the case: English

Parties

Appellant: Evropaïki Dynamiki — Proigmena Systimata Tilepikoinonion Pliroforikis kai Tilematikis AE (represented by: N. Korogiannakis, dikigoros)

Other party to the proceedings: European Commission (represented by: S. Delaude and N. Bambara, acting as Agents)

Re:

Appeal against the judgment of the General Court (Fifth Chamber) of 9 September 2010 in Case T-387/08 *Evropaïki Dynamiki v Commission* dismissing an application (i) for annulment of the decision of the Publications Office of the European Union of 20 June 2008 rejecting the tender submitted by the appellant in Call for Tender for computing