

2. Orders OHIM to pay the costs incurred by HerkuPlast Kubern GmbH and to bear its own costs.

(<sup>1</sup>) OJ C 317, 20.11.2010.

**Order of the General Court of 13 September 2012 — Diadikasia Symbouloi Epicheiriseon v Commission and Others**

(Case T-369/11) (<sup>1</sup>)

*(Action for damages — Instrument for Pre-Accession Assistance — Third country — National public procurement — Decentralised management — Inadmissibility — Lack of jurisdiction)*

(2012/C 343/26)

Language of the case: English

**Parties**

*Applicant:* Diadikasia Symbouloi Epicheiriseon AE (Chalandri, Greece) (represented by: A. Krystallidis, lawyer)

*Defendants:* European Commission (represented by: F. Erlbacher and P. van Nuffel, Agents); European Union Delegation to Turkey (Ankara, Turkey); and Central Finance & Contracts Unit (CFCU) (Ankara, Turkey)

**Re:**

Application for compensation in respect of the damage arising from the CFCU's decision of 5 April 2011, and any subsequent decision, annulling the award of the contract 'Enlargement of the European Turkish Business Centres Network to Sivas, Antakya, Batman and Van — EuropeAid/128621/D/SER/TR' to the consortium Diadikasia Business Consultants SA (GR) — Wyg International Ltd (UK) — Deleeuw International Ltd (TR) — Cyberpark (TR), on the ground of allegedly false declarations

**Operative part of the order**

1. The action is dismissed.
2. Diadikasia Symbouloi Epicheiriseon AE shall bear its own costs and pay those incurred by the European Commission.

(<sup>1</sup>) OJ C 282, 24.9.2011.

**Action brought on 20 August 2012 — Brouwerij Van Honsebrouck v OHIM — Beverage Trademark (KASTEEL)**

(Case T-374/12)

(2012/C 343/27)

Language in which the application was lodged: French

**Parties**

*Applicant:* Brouwerij Van Honsebrouck (Ingelmunster, Belgium) (represented by: P. Maeyaert, lawyer)

*Defendant:* Office for Harmonisation in the Internal Market (Trade Marks and Designs)

*Other party to the proceedings before the Board of Appeal:* Beverage Trademark Co. Ltd BTM (Tortola, British Virgin Islands)

**Form of order sought**

— annul in its entirety the decision of the Second Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) of 8 June 2012 in Case R 2551/2010-2;

— order OHIM and Beverage Trademark Co. Ltd BTM to pay the costs of the proceedings.

**Pleas in law and main arguments**

*Applicant for a Community trade mark:* The applicant

*Community trade mark concerned:* The international figurative mark incorporating the word element 'KASTEEL' for goods in Class 32 — International registration No W 975 635

*Proprietor of the mark or sign cited in the opposition proceedings:* Beverage Trademark Co. Ltd BTM

*Mark or sign cited in opposition:* National mark 'CASTEL BEER' for goods in Class 32

*Decision of the Opposition Division:* Opposition upheld

*Decision of the Board of Appeal:* Appeal dismissed

*Pleas in law:*

— Breach of Article 76(1) of Regulation No 207/2009;

— Breach of Article 42 of Regulation No 207/2009;

— Breach of Article 8(1)(b) of Regulation No 207/2009.

**Action brought on 20 August 2012 — Brouwerij Van Honsebrouck v OHIM — Beverage Trademark (KASTEEL)**

(Case T-375/12)

(2012/C 343/28)

Language in which the application was lodged: French

**Parties**

*Applicant:* Brouwerij Van Honsebrouck (Ingelmunster, Belgium) (represented by: P. Maeyaert, lawyer)