Judgment of the General Court of 8 July 2015 — European Dynamics Luxembourg and Others v Commission

(Case T-536/11) ([1])

(Public service contracts — Tender procedure — Provision of computing services for the development and maintenance of software, consultancy and assistance for different types of IT applications — Ranking of a tenderer's bid in the cascade for different lots and ranking of the bids of other tenderers — Obligation to state reasons — Award criterion — Manifest error of assessment — Non-contractual liability)

(2015/C 279/36)

Language of the case: English

Parties

Applicants: European Dynamics Luxembourg SA (Ettelbrück, Luxembourg); European Dynamics Belgium SA (Brussels, Belgium); and Evropaïki Dynamiki — Proigmena Systimata Tilepikoinonion Pliroforikis kai Tilematikis AE (Athens, Greece) (represented by: N. Korogiannakis, M. Dermitzakis and N. Theologou, lawyers)

Defendant: European Commission (represented by: initially by S. Delaude and V. Savov, and subsequently by S. Delaude, acting as Agents, and by O. Graber-Soudry, Solicitor)

Re:

Action for annulment of the decision of the Publications Office of the European Union of 22 July 2011 to rank the applicants, in respect of the bids they submitted in response to the call for tenders AO 10340, concerning the provision of computing services for the development and maintenance of software, consultancy and assistance for different types of IT applications (OJ 2011/S 66-106099), in the third place in the cascade for lot 1, in the third place in the cascade for lot 4 and in the second place in the cascade for lot 3, as well as the decisions awarding the contracts at issue to other tenderers in as much as they refer to their ranking, and, second, for damages.

Operative part of the judgment

The Court:

1. *Dismisses the action;*

2. *Orders European Dynamics Luxembourg SA, European Dynamics Belgium SA and Evropaïki Dynamiki — Proigmena Systimata Tilepikoinonion Pliroforikis kai Tilematikis AE to pay the costs.*

([1]) OJ C 355, 3.12.2011.

Judgment of the General Court of 8 July 2015 — Deutsche Rockwool Mineralwoll v OHIM — Ceramicas del Foix (Rock & Rock)

(Case T-436/12) ([1])

(Community trade mark — Invalidity proceedings — Community figurative mark Rock & Rock — Earlier national word marks MASTERROCK, FIXROCK, FLEXIROCK, COVERROCK and CEILROCK — Relative ground for refusal — Article 8(1)(b) and Article 53(1)(a) of Regulation (EC) No 207/2009)

(2015/C 279/37)

Language of the case: English

Parties

Applicant: Deutsche Rockwool Mineralwoll GmbH & Co. OHG (Gladbeck, Germany) (represented by: J. Krenzel, lawyer)

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

Other party to the proceedings before the Board of Appeal of OHIM, intervener before the General Court: Ceramicas del Foix, SA (Barcelona, Spain) (represented by: M. Pérez Serres and R. Guerras Mazón, lawyers)

Re:

Action brought against the decision of the Second Board of Appeal of OHIM of 10 July 2012 (Case R 495/2011-2) concerning invalidity proceedings between Deutsche Rockwool Mineralwoll GmbH & Co. OHG and Ceramicas del Foix, SA.

Operative part of the judgment

The Court:

1. *Dismisses the action;*

2. *Orders Deutsche Rockwool Mineralwoll GmbH & Co. OHG to pay the costs.*

([1]) OJ C 379, 8.12.2012.

Judgment of the General Court of 8 July 2015 — Deutsche Rockwool Mineralwoll v OHIM — Redrock Construction (REDROCK)

(Case T-548/12) ([1])

(Community trade mark — Invalidity proceedings — Community figurative mark REDROCK — Earlier national word marks ROCK, KEPROCK, FLEXIROCK, FORMROCK, FLOOR-ROCK, TERMAROCK, KLIMAROCK, SPEEDROCK, DUROCK, SPLITROCK, PLANAROCK, TOPROCK, KLEMMROCK, FIXROCK, SONOROCK PLUS, VARIROCK, SONOROCK and MASTERROCK — Relative ground for refusal — Article 8(1)(b) and Article 53(1)(a) of Regulation (EC) No 207/2009)

(2015/C 279/38)

Language of the case: Czech

Parties

Applicant: Deutsche Rockwool Mineralwoll GmbH & Co. OHG (Gladbeck, Germany) (represented by: J. Krenzel, lawyer)

Defendant: Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by: V. Mahelka, P. Geroulakos and M. Rajh, acting as Agents)

Other party to the proceedings before the Board of Appeal of OHIM, intervener before the General Court: Redrock Construction s.r.o. (Prague, Czech Republic) (represented by: D. Krofta, lawyer)

Re:

Action brought against the decision of the Fourth Board of Appeal of OHIM of 16 October 2012 (Case R 1596/2011-4), concerning invalidity proceedings between Deutsche Rockwool Mineralwoll GmbH & Co. OHG and Redrock Construction s.r.o.