

Other party to the proceedings before the Board of Appeal of OHIM, intervener before the General Court: Ensinger GmbH (Nufringen, Germany) (represented by: K. Gründig-Schnelle, lawyer)

Re:

Action brought against the decision of the First Board of Appeal of OHIM of 11 December 2013 (Case R 2308/2012-1), relating to opposition proceedings between Ensinger GmbH and Tecalan GmbH.

Operative part of the judgment

The Court:

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

⁽¹⁾ OJ C 112, 14.4.2014.

Judgment of the General Court of 28 April 2015 — Volkswagen v OHIM (EXTRA)

(Case T-216/14) ⁽¹⁾

(Community trade mark — Application for Community word mark EXTRA — Mark comprised of an advertising slogan — Absolute ground for refusal — Lack of distinctive character — Article 7(1)(b) of Regulation (EC) No 207/2009)

(2015/C 198/51)

Language of the case: German

Parties

Applicant: Volkswagen AG (Wolfsburg, Germany) (represented by: U. Sander and J. Eberhardt, lawyers)

Defendant: Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by: initially M. Fischer, then A. Schifko, agents)

Re:

Action brought against the decision of the First Board of Appeal of OHIM of 6 February 2014 (Case R 1788/2013-1) relating to the application for registration of the word sign EXTRA as a Community trade mark.

Operative part of the judgment

The Court:

1. Dismisses the appeal;
2. Orders Volkswagen AG to pay the costs.

⁽¹⁾ OJ C 194, 24.6.2014.

Order of the General Court of 21 April 2015 — Real Express v OHIM — MIP Metro (real)

(Case T-580/13) ⁽¹⁾

(Community trade mark — Opposition proceedings — Application for the Community figurative mark real — Earlier national figurative marks Real and Real mark — Rejection of the opposition — Rule 19(1) of Regulation (EC) No 2868/95 — Rule 20(1) of Regulation No 2868/95)

(2015/C 198/52)

Language of the case: English

Parties

Applicant: Real Express Srl (Romania) (represented by: C. Anitoae, lawyer)

Defendant: Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by: M. Rajh and J. Crespo Carrillo, Agents)

Other party to the proceedings before the Board of Appeal of OHIM, intervener before the General Court: MIP Metro Group Intellectual Property GmbH & Co. KG (Düsseldorf, Germany) (represented by: J.-C. Plate and R. Kaase, lawyers)

Re:

Action against the decision of the Fourth Board of Appeal of OHIM of 16 September 2013 (Case R 1519/2012-4) relating to opposition proceedings between Real Express SRL and MIP Metro Group Intellectual Property GmbH & Co. KG.

Operative part of the order

1. *The action is dismissed as being, in part, manifestly inadmissible and, in part, manifestly lacking any foundation in law.*
2. *Real Express SRL is ordered to pay the costs.*

⁽¹⁾ OJ C 45, 15.2.2014.

Action brought on 25 March 2015 — Aanbestedingskalender a.o. v Commission

(Case T-138/15)

(2015/C 198/53)

Language of the case: English

Parties

Applicants: Aanbestedingskalender BV (Ede, Netherlands); Negometrix BV (Amsterdam, Netherlands); CTM Solution BV (Breukelen, Netherlands); Stillpoint Applications BV (Amsterdam, Netherlands); and Huisinga Beheer BV (Amsterdam) (represented by: C. Dekker and L. Fiorilli, lawyers)

Defendant: European Commission

Form of order sought

The applicants claim that the Court should:

- declare, in accordance with Articles 263 and 264 TFEU, that the part of the European Commission's Decision of 18 December 2014 SA.34646 (2014/NN) (ex 2012/CP) — *The Netherlands E-procurement platform TenderNed* finding that the activities of TenderNed qualify as services of (non-economic) general interest and that therefore the implementation and financing of TenderNed does not constitute State aid, is void;
- order the defendant to bear its own costs and to pay those incurred by the applicant; and
- take such further actions as the Court may deem appropriate.

Pleas in law and main arguments

In support of the action, the applicants rely on one plea in law.

1. First plea in law, alleging that the European Commission has committed a manifest error of assessment and an error of law by finding that the services of TenderNed qualify as services of general (non-economic) interest.