

Defendant: European Commission (represented by: S. Delaude and S. Lejeune, acting as Agents)

Re:

Firstly, action on the basis of Article 263 TFEU seeking the annulment of the decisions of 2 and 16 March 2016 of the Publications Office of the European Union rejecting the applicant's tender submitted in the context of the public procurement procedure concerning, in particular, the development, maintenance, evolution and assistance services for that office's websites (OJ 2015/S 251-459901) and, insofar as necessary, of the confirmatory decision of the POEU of 22 April 2016 and, secondly, action on the basis of Article 268 TFEU seeking compensation for the harm suffered by the applicant as a result of those decisions.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Gfi PSF Sàrl to pay the costs.

⁽¹⁾ OJ C 222, 20.6.2016.

Judgment of the General Court of 5 May 2017 — Messe Friedrichshafen v EUIPO — El Corte Inglés (Out Door)

(Case T-224/16) ⁽¹⁾

(EU trade mark — Opposition proceedings — EU figurative mark Out Door — Earlier EU word mark OUTDOOR PRO — Relative ground for refusal — Article 8(1)(b) of Regulation (EC) No 207/2009 — Article 76 of Regulation No 207/2009)

(2017/C 195/35)

Language of the case: English

Parties

Applicant: Messe Friedrichshafen GmbH (Friedrichshafen, Germany) (represented by: W. Schulte Hemming, lawyer)

Defendant: European Union Intellectual Property Office (represented by: M. Eberl and D. Hanf, acting as Agents)

Other party to the proceedings before the Board of Appeal of EUIPO, intervener before the General Court: El Corte Inglés, SA (Madrid, Spain) (represented by: J.L. Rivas Zurdo, lawyer)

Re:

Action brought against the decision of the Second Board of Appeal of EUIPO of 8 February 2016 (Case R 2302/2011-2), relating to opposition proceedings between El Corte Inglés and Messe Friedrichshafen.

Operative part of the judgment

The Court:

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

⁽¹⁾ OJ C 232, 27.6.2016.