

Judgment of the General Court of 7 December 2018 — Edison v EUIPO (EDISON)(Case T-471/17) ⁽¹⁾

(EU trade mark — EU figurative mark EDISON — Partial surrender — Article 50 of Regulation (EC) No 207/2009 (now Article 57 of Regulation (EU) 2017/1001) — Interpretation of terms contained in a class heading of the Nice Classification and the goods appearing on the accompanying alphabetic list)

(2019/C 72/38)

Language of the case: Italian

Parties

Applicant: Edison SpA (Milan, Italy) (represented by: F. Boscarior de Roberto, D. Martucci and I. Gatto, lawyers)

Defendant: European Union Intellectual Property Office (represented by: J. Crespo Carrillo and L. Rampini, acting as Agents)

Re:

Action brought against the decision of the Fifth Board of Appeal of EUIPO of 28 April 2017 (Case R 1355/2016-5) concerning the EU figurative mark EDISON.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Edison SpA to pay the costs.

⁽¹⁾ OJ C 309, 18.9.2017.

Judgment of the General Court of 6 December 2018 — China Construction Bank v EUIPO — Groupement des cartes bancaires (CCB)(Case T-665/17) ⁽¹⁾

(EU trade mark — Opposition proceedings — Application for EU figurative mark CCB — Earlier EU figurative mark CB — Relative ground for refusal — Likelihood of confusion — Similarity of the signs — Reputation and enhanced distinctiveness of the earlier mark — Article 8(1)(b) of Regulation (EC) No 207/2009 (now Article 8(1)(b) of Regulation (EU) 2017/1001) — Second sentence of Article 75 and Article 76(1) of Regulation No 207/2009 (now second sentence of Article 94(1) and Article 95(1) of Regulation 2017/1001))

(2019/C 72/39)

Language of the case: English

Parties

Applicant: China Construction Bank Corp. (Beijing, China) (represented by: A. Carboni and J. Gibbs, Solicitors)

Defendant: European Union Intellectual Property Office (represented by: J. Ivanauskas, acting as Agent)

Other party to the proceedings before the Board of Appeal of EUIPO, intervener before the General Court: Groupement des cartes bancaires (Paris, France) (represented by: C. Herissay Ducamp, lawyer)

Re:

Action brought against the decision of the First Board of Appeal of EUIPO of 14 June 2017 (Case R 2265/2016-1), relating to opposition proceedings between Groupement des cartes bancaires and China Construction Bank.

Operative part of the judgment

The Court:

1. *Dismisses the action;*
2. *Orders China Construction Bank Corp. to pay the costs.*

⁽¹⁾ OJ C 402, 27.11.2017.

Action brought on 6 December 2018 — Phrenos and Others v Commission

(Case T-715/18)

(2019/C 72/40)

Language of the case: English

Parties

Applicants: Phrenos SPRL (Mont-sur-Marchienne, Belgium), Akkanto (Watermael-Boitsfort, Belgium) and Operational Management Solutions (Chaumont-Gistoux, Belgium) (represented by: R. Jafferli and R. van Melsen, lawyers)

Defendant: European Commission

Form of order sought

The applicants claim that the Court should:

- annul the decision of the European Commission, as notified to the applicants by letter of 27 November 2018, to award the contract for services relating to the planning, preparation, promotion and implementation of the 'European Development Days' event for its Directorate-General for International Cooperation and Development (EuropeAid/139729/DH/SER/BE) (2018/S 144- 328417) for the years 2019 to 2022 inclusive, to a third party;
- order the Commission to pay the costs of the main and interim proceedings.

Pleas in law and main arguments

In support of the action, the applicants rely on four pleas in law.

1. First plea in law, alleging that the defendant failed to state reasons for its award decision.
2. Second plea in law, alleging that the defendant failed to properly assess the (apparent) abnormally low prices of the chosen tender.
3. Third plea in law, alleging infringement of equal treatment with regard to the assessment of the tenders submitted.