

**Judgment of the General Court of 17 January 2017 — Cofely Solelec and Others v Parliament****(Case T-419/15) <sup>(1)</sup>****(Public works contracts — Procurement procedure — Extension and renovation of the Konrad Adenauer building in Luxembourg — Annulment of the procurement procedure — Obligation to state reasons — Market value — Manifest error of assessment)**

(2017/C 063/35)

Language of the case: French

**Parties**

**Applicants:** Cofely Solelec (Esch-sur-Alzette, Luxembourg), Mannelli & Associés SA (Bertrange, Luxembourg), Cofely Fabricom (Brussels, Belgium) (represented by: S. Marx, lawyer)

**Defendant:** European Parliament (represented by: L. Chrétien and M. Mraz, acting as Agents)

**Re:**

Application under Article 263 TFEU for the annulment of the decisions contained in the letters with references D(2015) 24297 and D(2015).28116 from the European Parliament's Directorate-General for Infrastructure and Logistics, respectively of 29 May and 11 June 2015, notifying the applicants of the annulment of the procurement procedure INLO-D-UPIL-T-14-A04 for the award of Lot No 75, entitled 'electricity — power' for the project to extend and modernise the Konrad Adenauer building in Luxembourg (Luxembourg).

**Operative part of the judgment**

*The Court:*

- 1) Dismisses the action;
- 2) Orders Cofely Solelec, Mannelli & Associés SA and Cofely Fabricom to pay the costs.

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<sup>(1)</sup> OJ C 337, 12.10.2015.

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**Judgment of the General Court of 19 January 2017 — Stock Polska v EUIPO — Lass & Steffen (LUBELSKA)****(Case T-701/15) <sup>(1)</sup>****(EU trade mark — Opposition proceedings — Application for EU figurative mark LUBELSKA — Earlier national word mark Lubeca — Relative ground for refusal — Likelihood of confusion — Level of attention of the public — Similarity of the signs — Article 8(1)(b) of Regulation (EC) No 207/2009)**

(2017/C 063/36)

Language of the case: English

**Parties**

**Applicant:** Stock Polska sp. z o.o. (Warsaw, Poland) (represented by: T. Gawrylczyk, lawyer)

**Defendant:** European Union Intellectual Property Office (represented by: M. Rajh, acting as Agent)

**Other party to the proceedings before the Board of Appeal of EUIPO, intervener before the General Court:** Lass & Steffen GmbH Wein- und Spirituosen-Import (Lübeck, Germany) (represented by: R. Kunz-Hallstein, lawyer)

**Re:**

Action brought against the decision of the Fifth Board of Appeal of EUIPO of 24 September 2015 (Case R 1788/2014-5), relating to opposition proceedings between Lass & Steffen Wein- und Spirituosen-Import and Stock Polska.

**Operative part of the judgment**

*The Court:*

1. Dismisses the action;
2. Orders Stock Polska sp. z o.o. to pay the costs.

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<sup>(1)</sup> OJ C 38, 1.2.2016.

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**Judgment of the General Court of 17 January 2017 — Netguru v EUIPO (NETGURU)**

(Case T-54/16) <sup>(1)</sup>

**(EU trade mark — Application for EU word mark NETGURU — Absolute ground for refusal — Lack of distinctive character — Article 7(1)(b) of Regulation (EC) No 207/2009 — Obligation to state reasons — Article 41 of the Charter of Fundamental Rights — Article 75 of Regulation No 207/2009 — Article 76 (2) of Regulation No 207/2009)**

(2017/C 063/37)

*Language of the case: Polish*

**Parties**

*Applicant:* Netguru sp. z o.o. (Poznań, Poland) (represented: initially by K. Jarosiński, and subsequently by T. Grzybkowski, T. Guzek and M. Jackowski, lawyers)

*Defendant:* European Union Intellectual Property Office (represented by: D. Walicka, acting as Agent)

**Re:**

Action brought against the decision of the Fifth Board of Appeal of EUIPO of 18 December 2015 (Case R 144/2015-5) concerning an application for registration of the word sign NETGURU as an EU trade mark.

**Operative part of the judgment**

*The Court:*

1. Dismisses the action;
2. Orders Netguru sp. z o.o. to bear the costs.

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<sup>(1)</sup> OJ C 111, 29.3.2016.