

**Judgment of the Court of First Instance of 20 May 2009 —
VIP Car Solutions v Parliament**

(Case T-89/07) ⁽¹⁾

(Public service contracts — Tendering procedure concerning a chauffeur driven car and minibus service for Members of the European Parliament during sessions in Strasbourg — Rejection of a tender — Obligation to state reasons — Refusal to disclose the price proposed by the successful tenderer — Action for damages)

(2009/C 153/68)

Language of the case: French

Parties

Applicant: VIP Car Solutions SARL (Hoenheim, France) (represented by: G. Welzer and S. Leuvre, lawyers)

Defendant: European Parliament (represented by: D. Petersheim and M. Ecker, Agents)

Re:

First, annulment of the decision of the Parliament to refuse to award to the applicant the public contract which was the subject of tendering procedure PE/2006/06/UTD/1 concerning a chauffeur-driven car and minibus service for Members of the European Parliament during sessions in Strasbourg and, second, a claim for damages.

Operative part of the judgment

The Court:

1. Annuls the decision by which the European Parliament refused to award to VIP Car Solutions SARL the public contract which was the subject of tendering procedure PE/2006/06/UTD/1;
2. Dismisses the action as to the remainder;
3. Orders the Parliament to pay the costs.

⁽¹⁾ OJ C 117, 29.5.2007.

**Judgment of the Court of First Instance of 7 May 2009 —
Klein Trademark Trust v OHIM — Zafra Marroquinos
(CK CREACIONES KENNYA)**

(Case T-185/07) ⁽¹⁾

(Community trade mark — Opposition proceedings — Application for the Community word mark CK CREACIONES KENNYA — Earlier Community figurative mark CK Calvin Klein and earlier national figurative marks CK — Relative ground for refusal — No likelihood of confusion — No similarity of the signs — Article 8(1)(b) of Regulation (EC) No 40/94)

(2009/C 153/69)

Language of the case: Spanish

Parties

Applicant: Calvin Klein Trademark Trust (Wilmington, Delaware, United States) (represented by: T. Andrade Boué, I. Lehmann Novo and A. Hernández Lehmann, lawyers)

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

Other party to the proceedings before the Board of Appeal of OHIM, intervener before the Court of First Instance: Zafra Marroquinos, SL (Caravaca de la Cruz, Spain) (represented by: J. Martín Álvarez, lawyer)

Re:

ACTION brought against the decision of the Second Board of Appeal of OHIM of 29 March 2007 (Case R 314/2006-2), concerning opposition proceedings between Calvin Klein Trademark Trust and Zafra Marroquinos, SL.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Calvin Klein Trademark Trust to pay the costs.

⁽¹⁾ OJ C 170, 21.7.2007.