

**Judgment of the Court of First Instance of 11 June 2009 —
Hedfund Intelligence v OHIM — Hedge Invest
(InvestHedge)**

(Case T-67/08) ⁽¹⁾

(Community trade mark — Opposition proceedings — Application for the Community figurative mark InvestHedge — Earlier Community figurative mark HEDGE INVEST — Relative ground for refusal — Likelihood of confusion — Article 8(1)(b) of Regulation (EC) No 40/94 (now Article 8(1)(b) of Regulation (EC) No 207/2009))

(2009/C 180/88)

Language of the case: English

Parties

Applicant: Hedfund Intelligence Ltd (London, United Kingdom) (represented by: J. Reed, Barrister, and G. Crofton Martin, Solicitor)

Defendant: Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by: J. Novais Gonçalves, acting as Agent)

Other party to the proceedings before the Board of Appeal of OHIM: Hedge Invest SpA (Milan, Italy)

Re:

Action against the decision of the Second Board of Appeal of OHIM of 28 November 2007 (Case R 148/2007-2) relating to opposition proceedings between Hedge Invest SpA and Hedfund Intelligence Ltd.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Hedfund Intelligence Ltd to pay the costs.

⁽¹⁾ OJ C 107, 26.4.2008.

**Judgment of the Court of First Instance of 11 June 2009 —
Baldesberger v OHIM (Shape of tweezers)**

(Case T-78/08) ⁽¹⁾

(Community trade mark — Application for a three-dimensional Community trade mark — Shape of tweezers — Absolute ground for refusal — Lack of distinctive character — Article 7(1)(b) of Regulation (EC) No 40/94 (now Article 7(1)(b) of Regulation (EC) No 207/2009))

(2009/C 180/89)

Language of the case: German

Parties

Applicant: Fides B. Baldesberger (represented by: F. Nielsen, lawyer)

Defendant: Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by: M. Kicia, Agent)

Re:

Action brought against the decision of the Fourth Board of Appeal of OHIM of 12 December 2007 (Case R 1405/2007-4) regarding an application for registration of a three-dimensional sign in the shape of tweezers as a Community trade mark.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Ms Fides B. Baldesberger to pay the costs.

⁽¹⁾ OJ C 107 of 26.4.2008.

**Judgment of the Court of First Instance of 11 June 2009 —
ERNI Electronics v OHIM (Maxibridge)**

(Case T-132/08) ⁽¹⁾

(Community trade mark — Application for the Community word mark MaxiBridge — Absolute ground for refusal — Descriptiveness of the function of the goods indicated in the trade mark application — Article 7(1)(c) of Regulation (EC) No 40/94 (now Article 7(1)(c) of Regulation No 207/2009))

(2009/C 180/90)

Language of the case: German

Parties

Applicant: ERNI Electronics GmbH (Adelberg, Germany) (represented by: N. Breitenbach and W. Schaller, lawyers)