

**Operative part of the order**

The Court:

1. Dismisses the action;
2. Orders Peek & Cloppenburg and van Graaf GmbH & Co. KG to pay the costs.

(<sup>1</sup>) OJ C 301, 22.11.2008.

**Judgment of the General Court of 14 April 2010 — Laboratorios Byly v OHIM — Ginis (BILLY'S Products)**

(Case T-514/08) (<sup>1</sup>)

*(Community trade mark — Opposition proceedings — Application for Community figurative mark BILLY'S Products — Earlier Community and national word marks BYLY and byly — Relative grounds for refusal — Likelihood of confusion — Similarity of the signs — Article 8(1)(b) of Regulation (EC) No 40/94 (now Article 8(1)(b) of Regulation (EC) No 207/2009))*

(2010/C 148/51)

Language of the case: Spanish

**Parties**

*Applicant:* Laboratorios Byly SA (Barberà del Vallès, Spain) (represented by: L. Plaza Fernández-Villa, lawyer)

*Defendant:* Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM) (represented by: J. Crespo Carrillo, acting as Agent)

*Other party to the proceedings before the Board of Appeal of OHIM:* Vasileios Ginis (Athens, Greece)

**Re:**

Action brought against the decision of the Second Board of Appeal of OHIM of 15 September 2008 (Case R 469/2008-2), concerning opposition proceedings between Laboratorios Byly SA and Vasileios Ginis.

**Operative part of the judgment**

The Court:

1. Annuls the decision of the Second Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM) of 15 September 2008 (Case R 469/2008-2);

2. Orders OHIM to pay the costs.

(<sup>1</sup>) OJ C 19, 24.1.2009.

**Judgment of the General Court of 21 April 2010 — Schunk v OHIM (Presentation of part of a chuck)**

(Case T-7/09) (<sup>1</sup>)

*(Community trade mark — Application for a Community trade mark in the form of a presentation of part of a chuck with three grooves — Absolute ground for refusal — Lack of distinctive character — Lack of distinctive character acquired by use — Article 7(1)(b) and (3) of Regulation (EC) No 40/94 (now Article 7(1)(b) and (3) of Regulation (EC) No 207/2009))*

(2010/C 148/52)

Language of the case: German

**Parties**

*Applicant:* Schunk GmbH & Co KG Spann- und Greiftechnik (Lauffen am Neckar, Germany) (represented by: C. Koppe-Zagouras, lawyer)

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

**Re:**

Action brought against the decision of the First Board of Appeal of OHIM of 31 October 2008 (Case R 1109/2007-1) concerning the registration of the sign in the form of a presentation of part of a chuck with three grooves as a Community trade mark.

**Operative part of the judgment**

The Court:

1. Dismisses the action;
2. Orders Schunk GmbH & Co KG Spann- und Greiftechnik to pay the costs.

(<sup>1</sup>) OJ C 69, 21.3.2009.