

**Judgment of the General Court of 9 July 2010 — Exalation v OHIM (Vektor-Lycopin)**

(Case T-85/08) <sup>(1)</sup>

*(Community trade mark — Application for Community word mark Vektor-Lycopin — Absolute grounds for refusal — Lack of distinctive character — Descriptive character — Article 7(1)(b) and (c) of Regulation (EC) No 40/94 (now Article 7(1)(b) and (c) of Regulation (EC) No 207/2009))*

(2010/C 234/54)

Language of the case: German

**Parties**

*Applicant:* Exalation Ltd (Ilford, Essex, United Kingdom) (represented by: K. Zingsheim, lawyer)

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

**Re:**

Action brought against the decision of the Fourth Board of Appeal of OHIM of 17 December 2007 (Case R 1037/2007-4), concerning an application for registration of the word sign Vektor-Lycopin as a Community trade mark.

**Operative part of the judgment**

*The Court:*

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

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<sup>(1)</sup> OJ C 107, 26.4.2008.

**Judgment of the General Court of 8 July 2010 — Commission v Putterie-De-Beukelaer**

(Case T-160/08 P) <sup>(1)</sup>

*(Appeal — Civil Service — Officials — Annulment at first instance of the career development report — 2005 reporting period — Rules applicable — Heading ‘potential’ — Evaluation procedure — Attestation procedure)*

(2010/C 234/55)

Language of the case: French

**Parties**

*Appellant:* European Commission (represented by: C. Berardis-Kayser and K. Hermann, Agents)

*Other party to the proceedings:* Françoise Putterie-De-Beukelaer (Brussels, Belgium) (represented by: É. Boigelot, lawyer)

**Re:**

Appeal seeking to have set aside the judgment of the European Union Civil Service Tribunal (First Chamber) of 21 February 2008 in Case F-31/07 Putterie-De-Beukelaer v Commission, not yet published in the ECR.

**Operative part of the judgment**

*The General Court:*

1. Sets aside the judgment of the European Union Civil Service Tribunal (First Chamber) of 21 February 2008 in Case F-31/07 Putterie-De-Beukelaer v Commission (not yet published in the ECR);
2. Refers the case back to the European Union Civil Service Tribunal;
3. Reserves the costs.

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<sup>(1)</sup> OJ C 183 of 19.7.2008.

**Judgment of the General Court of 8 July 2010 — Trautwein v OHIM (Representation of a dog)**

(Case T-385/08) <sup>(1)</sup>

*(Community trade mark — Application for a Community figurative mark representing a dog — Absolute ground for refusal — Descriptive character — Article 7(1)(c) of Regulation (EC) No 40/94 (now Article 7(1)(c) of Regulation (EC) No 207/2009))*

(2010/C 234/56)

Language of the case: German

**Parties**

*Applicant:* Nadine Trautwein Rolf Trautwein GbR, Research and Development (Leopoldshöhe, Germany) (represented by: C. Czyschowski, A. Nordemann and A.. Dustmann, lawyers)