

Judgment of the Court (Grand Chamber) of 14 September 2010 — Lego Juris A/S v Office for Harmonisation in the Internal Market (Trade Marks and Designs), Mega Brands Inc.

(Case C-48/09 P) ⁽¹⁾

(Appeal — Regulation (EC) No 40/94 — Community trade mark — Suitability of a shape of goods for registration as a trade mark — Registration of a three-dimensional sign consisting of the upper surface and two sides of a Lego brick — Declaration of invalidity of that registration on application by an undertaking marketing toy bricks having the same shape and dimensions — Article 7(1)(e)(ii) of that regulation — Sign which consists exclusively of the shape of goods which is necessary to obtain a technical result)

(2010/C 301/03)

Language of the case: English

Parties

Appellant: Lego Juris A/S (represented by: V. von Bomhard and T. Dolde, Rechtsanwälte)

Other parties to the proceedings: Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by: D. Botis, Agent), Mega Brands Inc. (represented by: P. Cappuyns and C. De Meyer, advocaten).

Re:

Appeal against the judgment of the Court of First Instance (Eighth Chamber) of 12 November 2008 in Case T-270/06 *Lego Juris A/S v Office for Harmonisation in the Internal Market (Trade Marks and Designs)* (OHIM), in which that Court dismissed an action brought by the proprietor of the Community three-dimensional trade mark in the shape of a Lego brick for goods in Classes 9 and 28 against Decision R 856/2004-G of the Grand Board of Appeal of the Office for Harmonisation in the Internal Market (OHIM) of 10 July 2006 which had dismissed the appeal brought against the Cancellation Division's decision declaring that mark partially invalid in the context of the application for a declaration of invalidity brought by Mega Brands — Interpretation of Article 7(1)(e)(ii) of Regulation (EC) No 40/94

Operative part of the judgment

The Court:

1. Dismisses the appeal;
2. Orders Lego Juris A/S to pay the costs.

⁽¹⁾ OJ C 82, 4.4.2009.

Judgment of the Court (First Chamber) of 16 September 2010 (reference for a preliminary ruling from the Diikitiko Efetio Thessalonikis — Greece) — Zoi Chatzi v Ipourgios Ikononikou

(Case C-149/10) ⁽¹⁾

(Social policy — Directive 96/34/EC — Framework agreement on parental leave — Interpretation of clause 2.1 of the framework agreement — Person granted the right to parental leave — Parental leave in the event of the birth of twins — Meaning of 'birth' — Taking account of the number of children born — Principle of equal treatment)

(2010/C 301/04)

Language of the case: Greek

Referring court

Diikitiko Efetio Thessalonikis

Parties to the main proceedings

Applicant: Zoi Chatzi

Defendant: Ipourgios Ikononikou

Re:

Reference for a preliminary ruling — Diikitiko Efetio Thessalonikis — Interpretation of clause 2.1 of the framework agreement on parental leave annexed to Council Directive 96/34/EC of 3 June 1996 on the framework agreement on parental leave concluded by UNICE, CEEP and the ETUC (OJ 1996 L 145, p. 4), in conjunction with Article 24 of the Charter of Fundamental Rights of the European Union (OJ 2010 C 83, p. 389) — Parental leave granted in the event of the birth of twins — Grant of a single period of parental leave in the event of the birth of twins — Infringement of Article 21 of the Charter of Fundamental Rights on the grounds of discrimination on the basis of birth and a restriction on the right of twins that is not permitted by the principle of proportionality?

Operative part of the judgment

1. Clause 2.1 of the framework agreement on parental leave concluded on 14 December 1995, which is set out in the annex to Council Directive 96/34/EC of 3 June 1996 on the framework agreement on parental leave concluded by UNICE, CEEP and the ETUC as amended by Council Directive 97/75/EC of 15 December 1997, cannot be interpreted as conferring an individual right to parental leave on the child.
2. Clause 2.1 of the framework agreement is not to be interpreted as requiring the birth of twins to confer entitlement to a number of periods of parental leave equal to the number of children born. However, read in the light of the principle of equal treatment, this clause obliges the national legislature to establish a parental leave regime which, according to the situation obtaining in the Member State concerned, ensures that the parents of twins receive treatment