

**Judgment of the General Court of 25 November 2010 —  
Vidieffe v OHIM — Ellis International Group (GOTHA)**

(Case T-169/09) <sup>(1)</sup>

*(Community trade mark — Opposition proceedings — Application for Community word mark GOTHA — Earlier Community figurative mark gotcha — Relative ground 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)*

(2011/C 30/65)

Language of the case: Italian

**Parties**

*Applicant:* Vidieffe Srl (Bologna, Italy) (represented by: M. Lamandini, D. De Pasquale and M. Pappalardo, lawyers)

*Defendant:* Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by: P. Bullock)

*Other party to the proceedings before the Board of Appeal of OHIM:* Perry Ellis International Group Holdings, Ltd (Nassau, Bahamas)

**Re:**

Action brought against the decision of the First Board of Appeal of OHIM of 12 February 2009 (Case R 657/2008-1), relating to opposition proceedings between Perry Ellis International Group Holdings, Ltd and Vidieffe Srl.

**Operative part of the judgment**

*The Court:*

1. Annuls the decision of the First Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM) of 12 February 2009 (Case R 657/2008-1), in so far as it annuls the decision of the Opposition Division, inasmuch as that decision rejected the opposition, first, in respect of 'leather and imitations of leather' goods (not included in other classes); trunks and travelling bags; umbrellas, parasols and walking sticks' in Class 18 and, second, in respect of all the goods in Class 25.
2. Dismisses the action as to the remainder.
3. Orders OHIM to bear its own costs and pay those incurred by Vidieffe Srl.

<sup>(1)</sup> OJ C 141, 20.6.2009.

**Judgment of the General Court of 9 December 2010 —  
Wilo v OHIM (Faceted casing of an electric motor and  
representation of green facets)**

(Joined Cases T-253/09 and T-254/09) <sup>(1)</sup>

*(Community trade mark — Application for a three-dimensional Community trade mark — Faceted casing of an electric motor — Application for a Community trade mark representing green facets — Absolute grounds 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)*

(2011/C 30/66)

Language of the case: German

**Parties**

*Applicant:* Wilo SE (Dortmund, Germany) (represented by: G. Braun, lawyer)

*Defendant:* Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by: B. Schmidt and P. Quay, agents)

**Re:**

Two actions brought against the decisions of the First Board of Appeal of OHIM of 30 March 2009 (Cases R 1184/2008-1 and R 1196/2008-1) concerning applications for registration of a three-dimensional sign consisting of the shape of faceted casing of an electric motor and a figurative sign representing green facets.

**Operative part of the judgment**

*The Court:*

1. Dismisses the action.
2. Orders Wilo SE to pay the costs.

<sup>(1)</sup> OJ C 205, 29.8.2009.

**Judgment of the General Court of 9 December 2010 —  
Fédération internationale des logis v OHIM (Green  
convex square)**

(Case T-282/09) <sup>(1)</sup>

*(Community trade mark — Application for a Community figurative trade mark representing a green convex square — Absolute ground for refusal — Lack of distinctive character — Article 7(1)(b) of Regulation (EC) No 207/2009)*

(2011/C 30/67)

Language of the case: French

**Parties**

*Applicant:* Fédération internationale des logis (Paris, France) (represented by: B. Brisset, lawyer)