

*Defendant:* Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by: A. Folliard-Monguiral, agent)

**Re:**

Action brought against the decision of the First Board of Appeal of OHIM of 22 April 2009 (Case R 1511/2008-1) concerning an application for registration a green convex square as a Community trade mark.

**Operative part of the judgment**

*The Court:*

1. Dismisses the action.
2. Orders the *Fédération internationale des logis* to pay the costs.

(<sup>1</sup>) OJ C 220, 12.9.2009.

**Judgment of the General Court of 9 December 2010 — Earle Beauty v OHIM (NATURALLY ACTIVE)**

(Case T-307/09) (<sup>1</sup>)

*(Community trade mark — Application for the Community word mark NATURALLY ACTIVE — Absolute ground for refusal — Lack of inherent distinctive character — Lack of distinctive character acquired by use — Article 7(1)(b) and (3) of Regulation (EC) No 207/2009)*

(2011/C 30/68)

*Language of the case: English*

**Parties**

*Applicant:* Earle Beauty (Ryde, Isle of Wight, United Kingdom) (represented by: initially M. Cover, and subsequently K. O'Rourke, Solicitors)

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

**Re:**

Action brought against the decision of the Second Board of Appeal of OHIM of 11 May 2009 (Case R 27/2009-2), concerning registration of the word sign NATURALLY ACTIVE as a Community trade mark.

**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 11 May 2009 (Case R 27/2009-2) in so far as it refused registration as a Community trade mark of the

word sign NATURALLY ACTIVE for wash bags, cosmetic bags and cases, beach bags, handbags, shoulder bags, draw string bags, purses, wallets, vanity cases, make-up bags, canvas bags, cases for mirrors in Class 18 of the Nice Agreement concerning the International Classification of Goods and Services for the Purposes of the Registration of Marks of 15 June 1957, as revised and amended;

2. Dismisses the action as to the remainder;
3. Orders Liz Earle Beauty Co. Ltd to bear its own costs and to pay two thirds of OHIM's costs. OHIM is ordered to bear one third of its costs.

(<sup>1</sup>) OJ C 244, 10.10.2009.

**Judgment of the General Court of 9 December 2010 — Fédération internationale des logis v OHIM (Shade of brown)**

(Case T-329/09) (<sup>1</sup>)

*(Community trade mark — Application for a Community trade mark consisting of a shade of brown — Absolute ground for refusal — Lack of distinctive character — Article 7(1)(b) of Regulation (EC) No 207/2009)*

(2011/C 30/69)

*Language of the case: French*

**Parties**

*Applicant:* Fédération internationale des logis (Paris, France) (represented by: initially, C. Champagner Katz, and subsequently B. Brisset, lawyers)

*Defendant:* Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by: A. Folliard-Monguiral, agent)

**Re:**

Action brought against the decision of the First Board of Appeal of OHIM of 11 June 2009 (Case R 202/2009-1) concerning an application for registration of a shade of brown as a Community trade mark.

**Operative part of the judgment**

*The Court:*

1. Dismisses the action.
2. Orders the *Fédération internationale des logis* to pay the costs.

(<sup>1</sup>) OJ C 267, 7.11.2009.