

**Judgment of the General Court of 17 May 2011 —
Diagnostiko kai Therapeftiko Kentro Athinon ‘Ygeia’ v
OHIM (υγεία)**

(Case T-7/10) ⁽¹⁾

(Community trade mark — Application for the Community word mark υγεία — Absolute grounds for refusal — No distinctive character and descriptive character — No distinctive character acquired through use — Article 7(1)(b) and (c) and Article 7(3) of Regulation (EC) No 207/2009)

(2011/C 186/44)

Language of the case: Greek

Parties

Applicant: Diagnostiko kai Therapeftiko Kentro Athinon ‘Ygeia’ AE (Athens, Greece) (represented by: K. Alexiou and S. Foteas, lawyers)

Defendant: Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by: P. Geroulakos, acting as Agent)

Re:

Action brought against the decision of the Second Board of Appeal of OHIM of 4 November 2009 (Case R 190/2009-2), concerning an application for registration of the word sign υγεία as a Community trade mark

Operative part of the judgment

The Court:

1. dismisses the action;
2. orders Diagnostiko kai Therapeftiko Kentro Athinon ‘Ygeia’ AE to pay the costs.

⁽¹⁾ OJ C 80, 27.3.2010.

**Judgment of the General Court of 5 May 2011 — SIMS —
École de ski internationale v OHIM — SNMSF (esf école du
ski français)**

(Case T-41/10) ⁽¹⁾

(Community trade mark — Invalidity proceedings — Community figurative mark esf école du ski français — Absolute grounds for refusal — State emblem — Article 7(1)(h) of Regulation (EC) No 207/2009 — Article 6ter of the Paris Convention — Mark of such a nature as to deceive the public — Article 7(1)(g) of Regulation No 207/2009)

(2011/C 186/45)

Language of the case: French

Parties

Applicant: Syndicat international des moniteurs de ski — École de ski internationale (SIMS — École de ski internationale) (Albertville, France) (represented by: L. Raison-Rebufat, lawyer)

Defendant: Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by: initially A. Folliard-Monguiral and subsequently by A. Folliard-Monguiral and J. Crespo Carrillo, acting as Agents)

Other party to the proceedings before the Board of Appeal of OHIM, intervener before the General Court: Syndicat national des moniteurs du ski français (SNMSF) (Meylan, France) (represented by: J.-P. Stouls, lawyer)

Re:

Action brought against the decision of the First Board of Appeal of OHIM of 11 November 2009 (Case R 235/2009-1), concerning invalidity proceedings between the Syndicat international des moniteurs de ski — École de ski internationale (SIMS — École de ski internationale) and the Syndicat national des moniteurs du ski français (SNMSF)

Operative part of the judgment

The Court:

1. dismisses the action;
2. orders the Syndicat international des moniteurs de ski — École de ski internationale (SIMS — École de ski internationale) to pay the costs incurred by the Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM);
3. orders the Syndicat national des moniteurs du ski français to bear its own costs.

⁽¹⁾ OJ C 100, 17.4.2010.