

**Judgment of the General Court of 9 September 2011 —  
dm-drogerie markt v OHIM — Distribuciones Mylar (dm)**

(Case T-36/09) <sup>(1)</sup>

*(Community trade mark — Opposition proceedings — Application for the Community word mark dm — Earlier national figurative mark dm — Administrative procedure — Decisions of the Opposition Divisions — Revocation — Correction of clerical errors — Legally non-existent measure — Admissibility of appeals before the Board of Appeal — Time-limit for filing an appeal — Legitimate expectations — Articles 59, 60a, 63 and 77a of Regulation (EC) No 40/94 (now Articles 60, 62, 65 and 80 of Regulation (EC) No 207/2009) — Rule 53 of Regulation (EC) No 2868/95)*

(2011/C 311/69)

Language of the case: English

**Parties**

*Applicant:* dm-drogerie markt GmbH & Co. KG (Karlsruhe, Germany) (represented by: O. Bludovsky and C. Mellein, lawyers)

*Defendant:* Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented: initially by J. Novais Gonçalves and subsequently by G. Schneider, acting as Agents)

*Other party to the proceedings before the Board of Appeal of OHIM:* Distribuciones Mylar, SA (Gelves, Spain)

**Re:**

Action against the decision of the First Board of Appeal of OHIM of 30 October 2008 (Case R 228/2008-1), relating to opposition proceedings between Distribuciones Mylar, SA and dm-drogerie markt GmbH & Co. KG.

**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 30 October 2008 (Case R 228/2008-1) relating to opposition proceedings between Distribuciones Mylar, SA and dm-drogerie markt GmbH & Co. KG in so far as it did not declare the amended version of the Opposition Division's decision of 16 May 2007 to be null and void;

2. Dismisses the remainder of the action;

3. Orders OHIM to pay the costs.

<sup>(1)</sup> OJ C 82, 4.4.2009.

**Judgment of the General Court of 9 September 2011 —  
Chalk v OHIM — Reformed Spirits Company Holdings  
(CRAIC)**

(Case T-83/09) <sup>(1)</sup>

*(Community trade mark — Community word mark CRAIC — Assignments — Registration of the transfer of the mark — Revocation — Articles 16, 17, 23 and 77a of Regulation (EC) No 40/94 (now Articles 16, 17, 23 and 80 of Regulation (EC) No 207/2009) and Rule 31 of Regulation (EC) No 2868/95)*

(2011/C 311/70)

Language of the case: English

**Parties**

*Applicant:* David Chalk (Canterbury, Kent, United Kingdom) (represented by: W. James, M. Gilbert, C. Balme, Solicitors, and S. Malynicz, Barrister)

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

*The other party to the proceedings before the Board of Appeal of OHIM, intervening before the General Court:* Reformed Spirits Company Holdings Ltd (Saint Helier, United Kingdom) (represented by: C. Morcom QC)

**Re:**

Action brought against the decision of the Second Board of Appeal of OHIM of 13 November 2008 (Case R 1888/2007-2) relating to an application for registration of the transfer of a Community trade mark following an assignment

**Operative part of the judgment**

*The Court:*

1. Dismisses the action;

2. Orders Mr David Chalk to pay the costs, including the costs necessarily incurred by Reformed Spirits Company Holdings Ltd for the purposes of the proceedings before the Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM).

<sup>(1)</sup> OJ C 90, 18.4.2009.