

Judgment of the General Court of 19 September 2012 — Fraas v OHIM (Tartan pattern in dark grey, light grey, black, beige, dark red and light red)

(Case T-50/11) ⁽¹⁾

(Community trade mark — Application for a figurative Community trade mark representing a tartan pattern in dark grey, light grey, black, beige, dark red and light red — Absolute ground for refusal — Lack of distinctive character — Article 7(1)(b), Article 75 and Article 76(1) of Regulation (EC) No 207/2009)

(2012/C 331/36)

Language of the case: German

Parties

Applicant: V. Fraas GmbH (Helmbrechts-Wüstenselbitz, Germany) (represented by: R. Kunze and G. Würtenberger, lawyers)

Defendant: Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented: initially by B. Schmidt then D. Walicka, acting as Agents)

Re:

Action brought against the decision of the Fourth Board of Appeal of OHIM of 15 November 2010 (Case R 1316/2010-4) concerning an application for registration of a figurative sign representing a tartan pattern in dark grey, light grey, black, beige, dark red and light red as a Community trade mark.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders V. Fraas GmbH to pay the costs.

⁽¹⁾ OJ C 89, 19.3.2011.

Judgment of the General Court of 18 September 2012 — Since Hardware (Guangzhou) v Council

(Case T-156/11) ⁽¹⁾

(Dumping — Imports of ironing boards originating in China — Proceeding initiated against a single company — Market economy treatment — Three-month time-limit provided for in the second indent of Article 2(7)(c) of Regulation (EC) No 1225/2009 — Burden of proof — Determination of injury)

(2012/C 331/37)

Language of the case: French

Parties

Applicant: Since Hardware (Guangzhou) Co., Ltd (Canton, China) (represented by: V. Akritidis and Y. Melin, lawyers)

Defendant: Council of the European Union (represented by: B. Driessen, acting as Agent, B. O'Connor, Solicitor, and S. Gubel, lawyer)

Interveners in support of the defendant: European Commission (represented by: S. Thomas and H. van Vliet, acting as Agents), Vale Mill (Rochdale) Ltd, (Rochdale, United Kingdom) and Colombo New Scal SpA, (Rovagnate, Italy) (represented by: G. Berrisch, lawyer, and N. Chesaites, Barrister)

Re:

Application for annulment of Council Implementing Regulation (EU) No 1243/2010 of 20 December 2010 imposing a definitive anti-dumping duty on imports of ironing boards originating in the People's Republic of China produced by the Since Hardware (Guangzhou) Co., Ltd (OJ 2010 L 338, p. 22).

Operative part of the judgment

The Court:

1. Dismisses the action.
2. Orders Since Hardware (Guangzhou) Co., Ltd to bear its own costs and to pay the costs incurred by the Council of the European Union, Vale Mill (Rochdale) Ltd and Colombo New Scal SpA.
3. Orders the European Commission to bear its own costs.

⁽¹⁾ OJ C 120, 16.4.2011.

Judgment of the General Court of 19 September 2012 — Reddig v OHIM — Morleys (Knife handle)

(Case T-164/11) ⁽¹⁾

(Community trade mark — Proceedings for invalidity — Three-dimensional Community trade mark — Knife handle — Absolute ground for refusal — Sign constituted exclusively by the shape of the product necessary for obtaining a technical result — Article 7(1)(e)(ii) of Regulation (EC) No 207/2009 — Declaration of invalidity by the Board of Appeal)

(2012/C 331/38)

Language of the case: English

Parties

Applicant: Reddig GmbH (Drebber, Germany) (represented by: C. Thomas, lawyer)

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

Other party to the proceedings before the Board of Appeal of OHIM, intervener before the General Court: Morleys Ltd (Preston, United Kingdom) (represented by: A. Stein and M. Terbach, lawyers, and E. Gunaratnam, Solicitor)