

**Judgment of the General Court of 25 November 2014 — Simba Toys v OHIM — Seven Towns (Shape of a cube with surfaces that have a grid structure)**

(Case T-450/09) <sup>(1)</sup>

*(Community trade mark — Invalidity proceedings — Three-dimensional Community trade mark — Cube with surfaces having a grid structure — Absolute grounds for refusal — First sentence of Article 76(1) of Regulation (EC) No 207/2009 — Absence of sign consisting exclusively of the shape of goods which is necessary to obtain a technical result — Article 7(1)(e)(ii) of Regulation No 40/94 (now Article 7(1)(e)(ii) of Regulation No 207/2009) — Absence of sign consisting exclusively of the shape which results from the nature of the goods themselves — Article 7(1)(e)(i) of Regulation No 40/94 (now Article 7(1)(e)(i) of Regulation No 207/2009) — Absence of sign consisting exclusively of the shape which gives substantial value to the goods — Article 7(1)(e)(iii) of Regulation No 40/94 (now Article 7(1)(e)(iii) of Regulation No 207/2009) — Distinctive character — Article 7(1)(b) of Regulation No 40/94 (now Article 7(1)(b) of Regulation No 207/2009) — Absence of descriptive character — Article 7(1)(c) of Regulation No 40/94 (now Article 7(1)(c) of Regulation No 207/2009) — Distinctive character acquired through use — Article 7(3) of Regulation No 40/94 (now Article 7(3) of Regulation No 207/2009) — Obligation to state reasons — First sentence of Article 75 of Regulation No 207/2009)*

(2015/C 016/42)

Language of the case: English

**Parties**

*Applicant:* Simba Toys GmbH & Co. KG (Fürth, Germany) (represented by: O. Ruhl, lawyer)

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

*Other party to the proceedings before the Board of Appeal of OHIM, intervener before the General Court:* Seven Towns Ltd (London, United Kingdom) (represented initially by M. Edenborough QC, and B. Cookson, Solicitor, and subsequently by K. Szamosi and M. Borbás, lawyers)

**Re:**

Action against the decision of the Second Board of Appeal of OHIM of 1 September 2009 (Case R 1526/2008-2) relating to cancellation proceedings between Simba Toys GmbH & Co. KG and Seven Towns Ltd.

**Operative part of the judgment**

*The Court:*

- 1) *Dismisses the action;*
- 2) *Orders Simba Toys GmbH & Co. KG to pay the costs.*

<sup>(1)</sup> OJ C 11, 16.1.2010.

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**Judgment of the General Court of 27 November 2014 — Alstom v Commission**

(Case T-517/09) <sup>(1)</sup>

*(Competition — Agreements, decisions and concerted practices — Power transformers market — Decision finding an infringement of Article 81 EC and Article 53 of the EEA Agreement — Effect on trade between Member States — Concept of undertaking — Imputability of the unlawful conduct — Presumption of actual exercise of decisive influence by a parent company over the conduct of the subsidiary — Duty to state reasons)*

(2015/C 016/43)

Language of the case: French

**Parties**

*Applicant:* Alstom (Levallois-Perret, France) (represented by: J. Derenne and A. Müller-Rappard, lawyers)