

Pleas in law and main arguments

Registered Community trade mark in respect of which a declaration of invalidity has been sought: the three-dimensional Community trade mark No 1 599 620 for goods in Class 6

Proprietor of the Community trade mark: the applicant

Applicant for the declaration of invalidity: Georg Kieffer Sattlerwarenfabrik GmbH

Decision of the Cancellation Division: dismissal of the application for a declaration of invalidity

Decision of the Board of Appeal: annulment of the decision of the Cancellation Division and declaration that the Community trade mark in issue is invalid

Pleas in law:

— Breach of Article 52(1)(a), in conjunction with Article 7(1), of Regulation (EC) No 207/2009 ⁽¹⁾ on the ground of an incorrect finding that the mark is devoid of any original distinctive character;

— Breach of Article 52(1)(a) and 52(2), in conjunction with Article 7(3), of Regulation (EC) No 207/2009 on the ground that it was wrongly assumed that the disputed mark had not acquired distinctive character through use;

— Breach of the first clause of Article 76(1) of Regulation No 207/2009 in that the relevant facts were not examined in the requisite manner;

— Breach of Article 83 of Regulation No 207/2009 in respect of the rights of the defence;

— Breach of Article 77(1) of Regulation No 207/2009 in that the Board of Appeal ought to have acceded to the applicant's alternative request for oral proceedings;

— Breach of the EC Treaty in respect of the basic right to equitable proceedings.

⁽¹⁾ Council Regulation (EC) No 207/2009 of 26 February 2009 on the Community trade mark (OJ 2009 L 78, p. 1).

Order of the Court of First Instance (Fifth Chamber) of 30 October 2009 — Nestlé v OHIM — Quick (QUICKY)

(Case T-74/04) ⁽¹⁾

(2010/C 11/70)

Language of the case: French

The President of the Court of First Instance (Fifth Chamber) has ordered that the case be removed from the register.

⁽¹⁾ OJ C 94, 17.4.2004.

Order of the Court of First Instance of 13 November 2009 — Lumenis v OHIM (FACES)

(Case T-301/07) ⁽¹⁾

(2010/C 11/71)

Language of the case: English

The President of the Court of First Instance (Third Chamber) has ordered that the case be removed from the register.

⁽¹⁾ OJ C 247, 20.10.2007.

Order of the Court of First Instance (Third Chamber) of 16 November 2009 — Tipik v Commission

(Case T-252/08) ⁽¹⁾

(2010/C 11/72)

Language of the case: French

The President of the Court of First Instance (Third Chamber) has ordered that the case be removed from the register.

⁽¹⁾ OJ C 209, 15.8.2008.

Order of the Court of First Instance of 17 November 2009 — STIM d'Orbigny v Commission

(Case T-559/08) ⁽¹⁾

(2010/C 11/73)

Language of the case: French

The President of the Sixth Chamber has ordered that the case be removed from the register.

⁽¹⁾ OJ C 44, 21.2.2009.