

Judgment of the Court of First Instance of 19 November 2009 — Torresan v OHIM — Klosterbrauerei Weissenohe (CANNABIS)

(Case T-234/06) ⁽¹⁾

(Community trade mark — Invalidity proceedings — Community word mark CANNABIS — Absolute ground for refusal — Descriptive character — Articles 7(1)(c) and 51(1)(a) of Regulation (EC) No 40/94 (now Articles 7(1)(c) and 52(1)(a) of Regulation (EC) No 207/2009))

(2010/C 11/40)

Language of the case: Italian

Parties

Applicant: Giampietro Torresan (Rothenburg, Switzerland) (represented by: G. Recher, lawyer)

Defendant: Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by: P. Bullock and O. Montalto, agents)

Other party/parties to the proceedings before the Board of Appeal of OHIM intervening before the Court of First Instance: Klosterbrauerei Weissenohe GmbH & Co. KG (Weissenohe, Germany) (represented by: A. Masetti Zannini de Concina, M. Bucarelli and R. Cartella, lawyers)

Re:

Action brought against the decision of the Second Board of Appeal of OHIM of 29 June 2006 (Case R 517/2005-2) relating to invalidity proceedings between Klosterbrauerei Weissenohe GmbH & Co. KG and Giampietro Torresan.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Mr Giampietro Torresan to pay the costs.

⁽¹⁾ OJ C 261, 28.10.2006.

Judgment of the Court of First Instance of 19 November 2009 — Agencja Wydawnicza Technopol v OHIM (1000)

(Case T-298/06) ⁽¹⁾

(Community trade mark — Application for Community word mark 1000 — Absolute ground for refusal — Descriptive character — Article 7(1)(c) of Regulation (EC) No 40/94 (now Article 7(1)(c) of Regulation (EC) No 207/2009))

(2010/C 11/41)

Language of the case: English

Parties

Applicant: Agencja Wydawnicza Technopol sp. z o.o. (Częstochowa, Poland) (represented by: V. von Bomhard, A. Renck and T. Dolde, lawyers)

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

Re:

Action brought against the decision of the Fourth Board of Appeal of OHIM of 7 August 2006 (Case R 447/2006-4), relating to the application for registration of the word mark 1000 as a Community trade mark.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Agencja Wydawnicza Technopol sp. z o.o. to pay the costs.

⁽¹⁾ OJ C 310, 16.12.2006.

Judgment of the Court of First Instance of 19 November 2009 — Agencja Wydawnicza Technopol v OHIM (350, 250 and 150)

(Joined Cases T-64/07 to T-66/07) ⁽¹⁾

(Community trade mark — Applications for Community word marks 350, 250 and 150 — Absolute grounds for refusal — Descriptive character — Article 7(1)(c) of Regulation (EC) No 40/94 (now Article 7(1)(c) of Regulation (EC) No 207/2009))

(2010/C 11/42)

Language of the case: Polish

Parties

Applicant: Agencja Wydawnicza Technopol sp. z o.o. (Częstochowa, Poland) (represented by: D. Rzążewska, lawyer)