

Judgment of the General Court of 22 June 2010 — CM Capital Markets v OHIM — Carbon Capital Markets (CARBON CAPITAL MARKETS Emissions Compliance Solutions & Carbon Finance)

(Case T-490/08) ⁽¹⁾

(Community trade mark — Opposition proceedings — Application for Community figurative mark CARBON CAPITAL MARKETS Emissions Compliance Solutions & Carbon Finance — Earlier Community and national figurative marks CM Capital Markets — Relative ground for refusal — No likelihood of confusion — No similarity between the signs — Article 8(1)(b) of Regulation (EC) No 40/94 (now Article 8(1)(b) of Regulation (EC) No 207/2009))

(2010/C 209/53)

Language of the case: English

Parties

Applicant: CM Capital Markets Holding, SA (Madrid, Spain) (represented by: T. Villate Consonni and J. Calderón Chavero, lawyers)

Defendant: Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM) (represented by: J. F. Crespo Carrillo, Agent)

Other party to the proceedings before the Board of Appeal of OHIM, intervener before the General Court: Carbon Capital Markets Ltd (Oxford, United Kingdom) (represented by: E. Hardcastle, Solicitor)

Re:

Action brought against the decision of the First Board of Appeal of OHIM of 3 September 2008 (Case R 16/2008-1) concerning opposition proceedings between CM Capital Markets Holding, SA and Carbon Capital Markets Ltd

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders CM Capital Markets Holding, SA to pay the costs.

⁽¹⁾ OJ C 6, 10.1.2009.

Judgment of the General Court of 15 June 2010 — X Technology Swiss v OHIM (Orange colouring of the toe of a sock)

(Case T-547/08) ⁽¹⁾

(Community trade mark — Application for a Community trade mark — Orange colouring of the toe of a sock — Absolute ground for refusal — Absence of distinctive character — Article 7(1)(b) of Regulation (EC) No 40/94 (now Article 7(1)(b) of Regulation (EC) No 207/2009))

(2010/C 209/54)

Language of the case: German

Parties

Applicant: X Technology Swiss GmbH (Wollerau, Switzerland) (represented by: A. Herbertz and R. Jung, lawyers)

Defendant: Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by: C. Jenewein and G. Schneider, Agents)

Re:

Action brought against decision R 846/2008-4 of the Fourth Board of Appeal of the Office for Harmonisation in the Internal Market (OHIM) of 6 October 2008 relating to an application to register the sign consisting of the orange colouring of the toe of a sock as a Community trade mark.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders X Technology Swiss GmbH to pay the costs.

⁽¹⁾ OJ C 55, 7.3.2009.