

Operative part

- 1) Dismisses the action;
- 2) Orders Evropaiki Dynamiki – Proigmena Systimata Tilepikoinonion Pliroforikis kai Tilematikis AE to bear its own costs and to pay those incurred by the European Commission.

**Judgment of the General Court (First Chamber) of 9 September 2011 —
Kwang Yang Motor v OHIM — Honda Giken Kogyo (internal combustion
engine with vent on the top)**

(Case T-10/08)

(Community design — Invalidity proceedings — Registered Community design representing an internal combustion engine with the vent on the top — Earlier national design — Ground for invalidity — No individual character — Visible features of a component part of a complex product — No different overall impression — Informed user — Degree of freedom of the designer — Articles 4, 6 and 25(1)(b) of Regulation (EC) No 6/2002)

1. *Community designs — Grounds for invalidity — No individual character — Informed user — Concept (Council Regulation No 6/2002, Art. 6(1)) (see paras 23-27)*
2. *Community designs — Grounds for invalidity — No individual character — Design not giving the informed user a different overall impression from that produced by the earlier design — Representation of an internal combustion engine with the vent on the top (Council Regulation No 6/2002, Arts 4(2), 6(1) and 25(1)(b)) (see paras 30, 38, 43, 45)*

Re:

APPLICATION for annulment of the decision of 8 October 2007 of the Third Board of Appeal of OHIM (Case R 1337/2006-3), relating to invalidity proceedings for Community designs between Honda Giken Kogyo Kabushiki Kaisha and Kwang Yang Motor Co., Ltd.

Operative part

The Court:

1. Dismisses the action;
2. Orders Kwang Yang Motor Co., Ltd to pay the costs.

**Judgment of the General Court (First Chamber) of 9 September 2011 —
Kwang Yang Motor v OHIM — Honda Giken Kogyo
(internal combustion engine)**

(Case T-11/08)

(Community design — Invalidity proceedings — Registered Community design representing an internal combustion engine — Earlier national design — Ground for invalidity — No individual character — Visible features of a component part of a complex product — No different overall impression — Informed user — Degree of freedom of the designer — Articles 4, 6 and 25(1)(b) of Regulation (EC) No 6/2002)

1. *Community designs — Grounds for invalidity — No individual character — Informed user — Concept (Council Regulation No 6/2002, Art. 6(1)) (see paras 23-27)*