

**Judgment of the General Court (First Chamber) of 17 December 2010 —  
Chocoladefabriken Lindt & Sprüngli v OHIM (Representation of a reindeer  
made of chocolate)**

**(Case T-337/08)**

(Community trade mark — Application for a three-dimensional Community trade mark — Representation of a reindeer made of chocolate — Absolute ground for refusal — No distinctive character — Article 7(1)(b) of Regulation (EC) No 40/94 (now Article 7(1)(b) of Regulation (EC) No 207/2009))

*Community trade mark — Definition and acquisition of the Community trade mark — Absolute grounds for refusal — Marks devoid of any distinctive character — Three-dimensional mark (Council Regulation No 40/94, Art. 7(1)(b)) (see paras 24, 41-42, 46-48)*

**Re:**

ACTION brought against the decision of the Fourth Board of Appeal of OHIM of 12 June 2008 (Case R 780/2005-4), concerning an application for registration as a Community trade mark of a three-dimensional sign consisting of the representation of a reindeer made of chocolate.

**Information relating to the case**

Applicant for the Community trade mark:	Chocoladefabriken Lindt & Sprüngli AG
Community trade mark sought:	Three-dimensional mark, representing a reindeer made of chocolate, for goods in Class 30 — Application No 4098489

Decision of the examiner:	Application dismissed
Decision of the Board of Appeal:	Appeal dismissed

## Operative part

### The Court:

1. Dismisses the action;
2. Orders Chocoladefabriken Lindt & Sprüngli AG to pay the costs.

**Judgment of the General Court (First Chamber) of 17 December 2010 —  
Chocoladefabriken Lindt & Sprüngli v OHIM  
(Representation of a small bell with a red ribbon)**

**(Case T-346/08)**

(Community trade mark — Application for a three-dimensional Community trade mark — Representation of a small bell with a red ribbon — Absolute ground for refusal — No distinctive character — Article 7(1)(b) of Regulation (EC) No 40/94 (now Article 7(1)(b) of Regulation (EC) No 207/2009))

*Community trade mark — Definition and acquisition of the Community trade mark — Absolute grounds for refusal — Marks devoid of any distinctive character — Three-dimensional mark (Council Regulation No 40/94, Art. 7(1)(b)) (see paras 25, 36, 40)*