

Defendant: Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by: G. Schneider, acting as Agent)

Re:

Action brought against the decision of the Fourth Board of Appeal of OHIM of 18 July 2008 (Case R 419/2008-4), concerning an application for registration as a Community trade mark of a three-dimensional sign consisting of the shape of a chocolate rabbit.

Operative part of the judgment

The Court:

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

(¹) OJ C 313, 6.12.2008.

Judgment of the General Court of 17 December 2010 — Storck v OHIM (Shape of a chocolate mouse)

(Case T-13/09) (¹)

(Community trade mark — Application for a three-dimensional Community trade mark — Shape of a chocolate mouse — Absolute ground for refusal — Lack of distinctive character — Article 7(1)(b) of Regulation (EC) No 40/94 (now Article 7(1)(b) of Regulation (EC) No 207/2009) — Rights of the defence)

(2011/C 46/19)

Language of the case: German

Parties

Applicant: August Storck KG (Berlin, Germany) (represented by: P. Goldenbaum, T. Melchert and I. Rohr, lawyers)

Defendant: Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by: initially G. Schneider, then G. Schneider and R. Manea, acting as Agents)

Re:

Action brought against the decision of the Fourth Board of Appeal of OHIM of 12 November 2008 (Case R 185/2006-4), concerning an application for registration as a Community trade mark of a three-dimensional sign consisting of the shape of a chocolate mouse.

Operative part of the judgment

The Court:

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

(¹) OJ C 69, 21.3.2009.

Judgment of the General Court of 16 December 2010 — Ilink Kommunikationssysteme v OHIM (ilink)

(Case T-161/09) (¹)

(Community trade mark — Application for Community word mark ilink — 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))

(2011/C 46/20)

Language of the case: German

Parties

Applicant: Ilink Kommunikationssysteme GmbH (Berlin, Germany) (represented by: B Schütze, lawyer)

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

Re:

Action brought against the decision of the Fourth Board of Appeal of OHIM of 5 February 2009 (Case R 1849/2007-4), relating to registration of the word sign 'ilink' as a Community trade mark.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Ilink Kommunikationssysteme GmbH to pay the costs.

(¹) OJ C 153 of 4.7.2009.

Judgment of the General Court of 17 December 2010 — Amen Corner v OHIM — Comercio Electrónico Ojal (SEVE TROPHY)

(Case T-192/09) (¹)

(Community trade mark — Opposition proceedings — Application for Community figurative mark SEVE TROPHY — Earlier Community figurative marks Seve Ballesteros Trophy and SEVE TROPHY — Relative grounds for refusal — Lack of similarity of the goods and of the services — Article 8(1)(b) of Regulation (EC) No 40/94 (now Article 8(1)(b) of Regulation (EC) No 207/2009) — No unfair advantage taken of or detriment caused to the distinctive character or repute of the earlier marks — Article 8(5) of Regulation No 40/94 (now Article 8(5) of Regulation No 207/2009))

(2011/C 46/21)

Language of the case: Spanish

Parties

Applicant: Amen Corner, SA (Madrid, Spain) (represented by: J.A. Calderón Chavero and T. Villate Consonni, lawyers)