

Other party to the proceedings before the Board of Appeal of OHIM: Silver Creek Properties SA (Panama, Panama)

#### Re:

Action brought against the decision of the Second Board of Appeal of OHIM of 20 March 2009 (Case R 802/2008-2), relating to opposition proceedings between Accenture Global Services GmbH and Silver Creek Properties SA

#### Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Accenture Global Services GmbH to pay the costs.

(<sup>1</sup>) OJ C 193, 15.8.2009.

**Judgment of the General Court of 30 September 2010 — PVS v OHIM — MeDiTA Medizinische Kurierdienst (medidata)**

(Case T-270/09) (<sup>1</sup>)

*(Community trade mark — Opposition proceedings — Application for Community figurative mark medidata — Earlier national word mark MeDiTA — Relative ground for refusal — Likelihood of confusion — Similarity of the signs — Similarity of the services — Article 8(1)(b) of Regulation (EC) No 40/94 (now Article 8(1)(b) of Regulation (EC) No 207/2009))*

(2010/C 317/56)

Language of the case: German

#### Parties

*Applicant:* PVS — Privatärztliche Verrechnungsstelle Rhein-Ruhr GmbH (Mülheim an der Ruhr, Germany) (represented by: F. Lindberg, lawyer)

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

*Other party to the proceedings before the Board of Appeal of OHIM, intervening before the General Court:* MeDiTA Medizinische Kurierdienst- und Handelsgesellschaft mbH (Düsseldorf, Germany) (represented by: T. Schulte-Beckmann, lawyer)

#### Re:

Action brought against the decision of the Fourth Board of Appeal of OHIM of 14 May 2009 (Case R 1724/2007-4) relating to opposition proceedings between MeDiTA Medi-

zinische Kurierdienst- und Handelsgesellschaft mbH and PVS — Privatärztliche Verrechnungsstelle Rhein-Ruhr GmbH.

#### Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Privatärztliche Verrechnungsstelle Rhein-Ruhr GmbH to pay the costs.

(<sup>1</sup>) OJ C 220 of 12.9.2009.

**Judgment of the General Court of 28 September 2010 — Rosenruist v OHIM (Representation of two curves on a pocket)**

(Case T-388/09) (<sup>1</sup>)

*(Community trade mark — Application for Community figurative mark representing two curves on a pocket — Absolute ground for refusal — Lack of distinctive character — Article 7(1)(b) of Regulation (EC) No 207/2009)*

(2010/C 317/57)

Language of the case: English

#### Parties

*Applicant:* Rosenruist — Gestão e serviços, L<sup>da</sup> (Funchal, Portugal) (represented by: S. Rizzo and S. González Malabia, lawyers)

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

#### Re:

Action brought against the decision of the Second Board of Appeal of OHIM of 18 June 2009 (Case R 237/2009-2) concerning an application for registration as a Community trade mark of a figurative sign representing two curves on a pocket.

#### Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Rosenruist — Gestão e serviços, L<sup>da</sup> to pay the costs.

(<sup>1</sup>) OJ C 282, 21.11.2009.