

Operative part

1. Dismisses the action;
2. Orders 4care AG to pay the costs.

Judgment of the General Court (Eighth Chamber) of 8 September 2010 — Micro Shaping v OHIM (packaging)

(Case T-64/09)

(Community trade mark — Application for Community figurative mark packaging — 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)

Community trade mark — Definition and acquisition of the Community trade mark — Absolute grounds for refusal — Marks composed exclusively of signs or indications which may serve to designate the characteristics of goods (Council Regulation No 40/94, Art. 7(1)(c)) (see paras 30-31, 44-45)

Re:

ACTION brought against the decision of the First Board of Appeal of OHIM of 11 December 2008 (Case R 1063/2008-1), concerning an application for registration of the figurative sign packaging as a Community trade mark.

Information relating to the case

Applicant for the Community trade mark:	Micro Shaping Ltd
Community trade mark sought:	Figurative mark packaging for goods and services in Classes 16, 17 and 42 — Application No 6354311
Decision of the Opposition Division:	Registration partially refused
Decision of the Board of Appeal:	Appeal dismissed

Operative part

The Court:

1. Dismisses the action;
2. Orders Micro Shaping Ltd to pay the costs.

**Judgment of the General Court (First Chamber) of 8 September 2010 —
Icebreaker v OHIM — Gilmar (ICEBREAKER)**

(Case T-112/09)

(Community trade mark — Opposition proceedings — Application for Community word mark ICEBREAKER — Earlier national word mark ICEBERG — Relative ground for refusal — Likelihood of confusion — Partial refusal to register — Article 8(1)(b) of Regulation (EC) No 40/94 (now Article 8(1)(b) of Regulation (EC) No 207/2009)