

**Judgment of the General Court (Seventh Chamber) of 13 April 2011 —
Deichmann v OHIM (Representation of a chevron with perforated border)**

(Case T-202/09)

(Community trade mark — International registration designating the European Community — Figurative mark representing a chevron with perforated border — Absolute ground for refusal — Absence of distinctive character — Article 7(1)(b) of Regulation (EC) No 40/94 (now Article 7(1)(b) of Regulation (EC) No 207/2009)

1. *Community trade mark — Definition and acquisition of the Community trade mark — Absolute grounds for refusal — Marks devoid of distinctive character — Mark consisting in the representation of one of the elements constituting the product — Distinctive character — Criteria for assessment (Council Regulation No 40/94, Art. 7(1)(b)) (see paras 40-41)*

2. *Community trade mark — Definition and acquisition of the Community trade mark — Absolute grounds for refusal — Marks devoid of distinctive character (Council Regulation No 40/94, Art. 7(1)(b)) (see paras 28, 34-35, 54)*

Re:

ACTION brought against the decision of the Fourth Board of Appeal of OHIM of 3 April 2009 (Case R 224/2007-4) concerning an international registration designating the European Community of a figurative mark representing a chevron with perforated border.

Information relating to the case

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| Mark concerned: | Figurative mark representing a chevron with perforated border for goods in Classes 10 and 25 (International Registration designating the European Community, No W00881226) |
| Decision of the examiner: | Protection refused |
| Decision of the Board of Appeal: | Appeal dismissed |

Operative part

1. Dismisses the action;
2. Orders Deichmann SE to pay the costs.

**Judgment of the General Court (Eighth Chamber) of 13 April 2011 —
Alder Capital v OHIM – Gimv Nederland (ALDER CAPITAL)**

(Case T-209/09)

(Community trade mark — Invalidity proceedings — Community word mark ALDER CAPITAL — Earlier Benelux word marks Halder and Halder Investments — Earlier international word mark Halder — Relative ground for refusal — Likelihood of confusion — Article 8(1)(b) and Article 52(1)(a) of Regulation (EC) No 40/94 (now Article 8(1)(b) and Article 53(1)(a) of Regulation (EC) No 207/2009) — Genuine use of the trade mark — Article 15 of Regulation No 40/94 (now Article 15 of Regulation No 207/2009)