

**Judgment of the General Court of 19 September 2012 —
Fraas v OHIM (Tartan pattern in black, grey, beige and
dark red)**

(Case T-329/10) ⁽¹⁾

*(Community trade mark — Application for a figurative
Community trade mark representing a tartan pattern in
black, grey, beige and dark red — Absolute ground for
refusal — Lack of distinctive character — Article 7(1)(b),
Article 75 and Article 76(1) of Regulation (EC)
No 207/2009)*

(2012/C 331/33)

Language of the case: German

Parties

Applicant: V. Fraas GmbH (Helmbrechts-Wüstenselbitz,
Germany) (represented by: R. Kunze and G. Würtenberger,
lawyers)

Defendant: Office for Harmonisation in the Internal Market
(Trade Marks and Designs) (represented: initially by B.
Schmidt, then D. Walicka, acting as Agents)

Re:

Action brought against the decision of the Fourth Board of
Appeal of OHIM of 7 June 2010 (Case R 191/2010-4)
concerning an application for registration of a figurative sign
representing a tartan pattern in black, grey, beige and dark red
as a Community trade mark.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders V. Fraas GmbH to pay the costs.

⁽¹⁾ OJ C 288, 23.10.2010.

**Judgment of the General Court of 19 September 2012 —
Fraas v OHIM (Tartan pattern in black, beige, brown, dark
red and grey)**

(Case T-26/11) ⁽¹⁾

*(Community trade mark — Application for a figurative
Community trade mark representing a tartan pattern in
black, beige, brown, dark red and grey — Absolute ground
for refusal — Lack of distinctive character — Article 7(1)(b),
Article 75 and Article 76(1) of Regulation (EC)
No 207/2009)*

(2012/C 331/34)

Language of the case: German

Parties

Applicant: V. Fraas GmbH (Helmbrechts-Wüstenselbitz,
Germany) (represented by: R. Kunze and G. Würtenberger,
lawyers)

Defendant: Office for Harmonisation in the Internal Market
(Trade Marks and Designs) (represented: initially by B.
Schmidt, then D. Walicka, acting as Agents)

Re:

Action brought against the decision of the Fourth Board of
Appeal of OHIM of 15 November 2010 (Case R 1317/2010-4)
concerning an application for registration of a figurative sign
representing a tartan pattern in black, beige, brown, dark red
and grey as a Community trade mark.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders V. Fraas GmbH to pay the costs.

⁽¹⁾ OJ C 72, 5.3.2011.

**Judgment of the General Court of 19 September 2012 —
Fraas v OHIM (Tartan pattern in pink, violet, beige and
dark grey)**

(Case T-31/11) ⁽¹⁾

*(Community trade mark — Application for a figurative
Community trade mark representing a tartan pattern in
pink, violet, beige and dark grey — Absolute ground for
refusal — Lack of distinctive character — Article 7(1)(b),
Article 75 and Article 76(1) of Regulation (EC)
No 207/2009)*

(2012/C 331/35)

Language of the case: German

Parties

Applicant: V. Fraas GmbH (Helmbrechts-Wüstenselbitz,
Germany) (represented by: R. Kunze and G. Würtenberger,
lawyers)

Defendant: Office for Harmonisation in the Internal Market
(Trade Marks and Designs) (represented: initially by B.
Schmidt, then D. Walicka, acting as Agents)

Re:

Action brought against the decision of the Fourth Board
of Appeal of OHIM of 15 November 2010 (Case
R 1284/2010-4) concerning an application for registration of
a figurative sign representing a tartan pattern in pink, violet,
beige and dark grey as a Community trade mark.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders V. Fraas GmbH to pay the costs.

⁽¹⁾ OJ C 72, 5.3.2011.