2. *Community designs — Grounds for invalidity — No individual character — Design not giving the informed user a different overall impression from that produced by the earlier design — Representation of an internal combustion engine (Council Regulation No 6/2002, Arts 4(2), 6(1) and 25(1)(b)) (see paras 30, 38, 43, 45)*

Re:

APPLICATION for annulment of the decision of 8 October 2007 of the Third Board of Appeal of OHIM (Case R 1380/2006-3), relating to invalidity proceedings for Community designs between Honda Giken Kogyo Kabushiki Kaisha and Kwang Yang Motor Co., Ltd.

Operative part

The Court:

1. Dismisses the action;

2. Orders Kwang Yang Motor Co., Ltd to pay the costs.

Judgment of the General Court (First Chamber) of 9 September 2011 — Chalk v OHIM — Reformed Spirits Company Holdings (CRAIC)

(Case T-83/09)

(Community trade mark — Community word mark CRAIC — Assignments — Registration of the transfer of the mark — Revocation — Articles 16, 17, 23 and 77a of Regulation (EC) No 40/94 (now Articles 16, 17, 23 and 80 of Regulation (EC) No 207/2009) and Rule 31 of Regulation (EC) No 2868/95)

Community trade mark — Community trade mark as an item of property — Assimilation of the Community trade mark to the national trade mark — Scope of Article 16 of Regulation No 40/94 (Council Regulation No 40/94, Art. 16) (see paras 25-27)

Re:

ACTION against the decision of the Second Board of Appeal of OHIM of 13 November 2008 (Case R 1888/2007-2) relating to an application for registration of the transfer of a Community trade mark following an assignment.

Operative part

The Court:

1. Dismisses the action;

2. Orders Mr David Chalk to pay the costs, including the costs necessarily incurred by Reformed Spirits Company Holdings Ltd for the purposes of the proceedings before the Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM).

Judgment of the General Court (First Chamber) of 9 September 2011 — Deutsche Bahn v OHIM — DSB (IC4)

(Case T-274/09)

(Community trade mark — Opposition proceedings — Application for Community word mark IC4 — Earlier Community word mark ICE and earlier national figurative mark IC — Criteria for assessing likelihood of confusion — Relative grounds for refusal — Similarity of the services — Similarity of the signs — Distinctive character of the earlier mark — Likelihood of confusion — Article 8(1)(b) of Regulation (EC) No 207/2009)