Judgment of the General Court (Second Chamber) of 16 December 2010 — Ilink Kommunikationssysteme v OHIM (ilink)

(Case T-161/09)

(Community trade mark — Application for Community word mark ilink — 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 27, 36-37, 48)

Re:

ACTION brought against the decision of the Fourth Board of Appeal of OHIM of 5 February 2009 (Case R 1849/2007-4), relating to registration of the word sign 'ilink' as a Community trade mark.

Information relating to the case

Applicant for the Community trade mark:	Ilink Kommunikationssysteme GmbH
Community trade mark sought:	Word mark ilink for goods and services in Classes 9, 16, 38 and 42 — Application No 5120911
Decision of the examiner:	Registration refused in part
Decision of the Board of Appeal:	Appeal dismissed

Operative part

The Court:

1. Dismisses the action;

2. Orders Ilink Kommunikationssysteme GmbH to pay the costs.

Judgment of the General Court (Seventh Chamber) of 16 December 2010 — HIT Trading and Berkman Forwarding v Commission

(Case T-191/09)

(Customs Union — Importation of compact fluorescent lamps with integrated electronic ballasts (CFL-i) from Pakistan — Post-clearance recovery of import duties — Application for remission of import duties — Article 220(2)(b) and Article 239 of Regulation (EEC) No 2913/92)

1. *Own resources of the European Union — Post-clearance recovery of import or export duties — Conditions for not taking account of import duties set out in Article 220(2)(b) of Regulation No 2913/92 (Council Regulation No 2913/92, Arts 62(1) and 220(2)(b)) (see paras 42-44, 53-61, 72-73)*

2. *Own resources of the European Union — Post-clearance recovery of import or export duties — No publication, by the Commission, of a notice to importers in the event of doubts as to the origin of goods likely to be subject to anti-dumping duties (Council Regulation No 2913/92) (see paras 79-81)*