Information relating to the case

Applicant for the Community trade mark:	Longevity Health Products, Inc.
Community trade mark sought:	Word mark Kids Vits for goods and services in Classes 3, 5 and 35 — Application No 3979143
Proprietor of the mark or sign cited in the opposition proceedings:	Merck KGaA
Mark or sign cited in opposition:	Word mark VITS4KIDS for goods in Class 5 — Community trade mark No 3128196
Decision of the Opposition Division:	Opposition upheld
Decision of the Board of Appeal:	Appeal dismissed

Operative part

The Court:

1. Dismisses the action;

2. Orders Longevity Health Products, Inc. to pay the costs.

Judgment of the General Court (Eighth Chamber) of 9 December 2009 — Earle Beauty v OHIM (SUPERSKIN)

(Case T-486/08)

(Community trade mark — Application for the Community word mark SUPERSKIN — 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 — Marks devoid of any distinctive character (Council Regulation No 40/94, Art. 7(1)(b) and (c)) (see paras 27, 37-44, 50)

Re:

ACTION brought against the decision of the Fourth Board of Appeal of OHIM of 15 September 2008 (Case R 1656/2007-4), concerning registration of the word sign SUPERSKIN as a Community trade mark.

Information relating to the case

Applicant for the Community trade mark:	Liz Earle Beauty Co. Ltd
Community trade mark sought:	Word mark SUPERSKIN for goods and services in Classes 3, 5 and 44 — Application No 5967856
Decision of the examiner:	Registration refused
Decision of the Board of Appeal:	Appeal dismissed

Operative part:

The Court:

1. Annuls the decision of the Fourth Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM) of 15 September 2008 (Case R 1656/2007-4), in respect of perfumes, nail and hair care preparations, antiperspirants, deodorants, dentifrice, hair colouring preparations, hair spray, eyecare preparations, nail varnish, nail varnish remover and artificial nails, in Class 3, and hygienic care and cosmetic treatments for the hair, in Class 44;

2. Dismisses the action as to the remainder;

3. Orders Liz Earle Beauty Co. Ltd to bear its own costs and to pay half of OHIM's costs, and OHIM to bear the other half of its costs.

Judgment of the General Court (Fifth Chamber) of 10 December 2009 — Cofac v Commission

(Case T-158/07)

(ESF — Reduction in financial assistance — Training schemes — Rights of the defence — Right to be heard)

Social policy — European Social Fund — Financial assistance for vocational training — Decision to reduce assistance initially granted — Defence rights of beneficiaries — Scope (see paras 35-37, 39, 54)

Re:

ACTION for annulment of Commission Decision D(2005) 13066 of 3 June 2005 reducing the amount of the financial assistance granted to the applicant by the European Social Fund (ESF) by Decision No C(88) 0831 of 29 April 1988 for training schemes (file No 880707 P1).

Operative part:

The Court:

1. Dismisses the action;

2. Orders Cofac — Cooperativa de Formação e Animação Cultural, CRL to pay the costs.