Community trade mark — Definition and acquisition of the Community trade mark — Relative grounds for refusal — Opposition by the proprietor of an earlier identical or similar mark registered for identical or similar goods or services — Likelihood of confusion with the earlier mark (Council Regulation No 207/2009, Art. 8(1)(b)) (see paras 22, 38, 44, 49, 53)

Re:

ACTION brought against the decision of the Fourth Board of Appeal of OHIM of 16 March 2010 (Case R 1336/2008-4) relating to opposition proceedings between Weihermüller & Voigtmann GmbH & Co. KG and Deutsche Medi Präventions GmbH.

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 16 March 2010 (Case R 1336/2008-4);

2. Orders OHIM to bear, in addition to its own costs, the costs of Medi GmbH & Co. KG;

3. Orders Deutsche Medien Center GmbH to bear its own costs.

Judgment of the General Court (Second Chamber) of 11 October 2011 — Chestnut Medical Technologies v OHIM (PIPELINE)

(Case T-87/10)

(Community trade mark — Application for registration of the Community word mark PIPELINE — Absolute ground for refusal — Descriptive character — Article 7(1)(c) of Regulation (EC) No 207/2009 — Duty to state reasons — Article 75 of Regulation No 207/2009)

1. *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 207/2009, Art. 7(1)(c)) (see paras 23, 27-29)*

2. *Community trade mark — Procedural provisions — Statement of reasons for decisions (Art. 296 TFEU; Council Regulation No 207/2009, Art. 75) (see paras 39-41)*

Re:

ACTION brought against the decision of the Second Board of Appeal of OHIM of 10 December 2009 (Case R 968/2009-2) concerning an application for registration of the word mark PIPELINE as a Community trade mark.

Operative part

The Court:

1. Dismisses the action;

2. Orders Chestnut Medical Technologies, Inc. to pay the costs.

Order of the General Court (Third Chamber) of 11 October 2011 — DBV v Commission

(Case T-297/10)

(Action for annulment — Dumping — Imports of certain aluminium wheels originating in China — Rights of defence — Calculation of normal value — Proportionality — Action in part manifestly inadmissible and in part manifestly lacking any foundation in law)