Judgment of the General Court (Second Chamber) of 28 June 2011 — ReValue Immobilienberatung v OHIM (ReValue)

(Case T-487/09)

(Community trade mark — Application for the Community figurative mark ReValue — Application refused in part — 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)

Community trade mark — Definition and acquisition of the Community trade mark — Absolute grounds for refusal — Marks composed exclusively of signs or indications capable of designating the characteristics of a service (Council Regulation No 207/2009, Art. 7(1)(c)) (see paras 58, 69-73)

Re:

ACTION brought against the decision of the Fourth Board of Appeal of OHIM of 7 October 2009 (Case R 531/2009-4) concerning an application for registration of the figurative sign ReValue as a Community trade mark.

Information relating to the case

Applicant for the Community trade mark:	ReValue Immobilienberatung GmbH
Community trade mark sought:	Figurative mark ReValue for services in Classes 35, 36, 42 and 45 — Application No 6784292
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 ReValue Immobilienberatung GmbH to pay the costs.

Judgment of the General Court (Fifth Chamber) of 30 June 2011 — Imagion v OHIM (DYNAMIC HD)

(Case T-463/08)

(Community trade mark — Application for Community word mark DYNAMIC HD — Absolute grounds for refusal — Lack of distinctive character — No distinctive character acquired through use — Article 7(1)(b) and (3) of Regulation (EC) No 40/94 (now Article 7(1)(b) and (3) of Regulation (EC) No 207/2009)

1. *Community trade mark — Definition and acquisition of the Community trade mark — Absolute grounds for refusal — Marks devoid of distinctive character (Council Regulation No 40/94, Art. 7(1)(b) and (3)) (see paras 21-22, 34, 42-44)*

2. *Community trade mark — Definition and acquisition of the Community trade mark — Absolute grounds for refusal — Marks devoid of distinctive character — Exception (Council Regulation No 40/94, Art. 7(3)) (see para. 43)*

3. *Community trade mark — Procedural provisions — Statement of reasons for decisions — Aim (Council Regulation No 40/94, Art. 73) (see para. 50)*