Judgment of the General Court (Second Chamber) of 10 September 2010 — MPDV Mikrolab v OHIM (ROI ANALYZER)

(Case T-233/08)

(Community trade mark — Application for Community word mark ROI ANALYZER — Absolute ground for refusal — Descriptive character — Article 7(1)(b) and (c) of Regulation (EC) No 40/94 (now Article 7(1)(b) and (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, 45-46)

Re:

ACTION brought against the decision of the Fourth Board of Appeal of OHIM of 15 April 2008 (Case R 1525/2006-4) concerning the registration of the word sign ROI ANALYZER as a Community trade mark.

Information relating to the case

Applicant for the Community trade mark:	MPDV Mikrolab GmbH, Mikroprozessor-datenverarbeitung und Mikroprozessorlabor
Community trade mark sought:	Word mark ROI ANALYZER for goods and services in Classes 9, 35 and 42 — Application No 4866042

Decision of the examiner:	Registration partially refused
Decision of the Board of Appeal:	Appeal dismissed

Operative part

The Court:

1. Dismisses the action;

2. Orders MPDV Mikrolab GmbH, Mikroprozessordatenverarbeitung und Mikroprozessorlabor to pay the costs.

Judgment of the General Court (Sixth Chamber) of 13 September 2010 — Éditions Jacob v Commission

(Case T-279/04)

(Competition — Concentrations — French-language publishing — Decision declaring the concentration compatible with the common market subject to sale of assets — Action for annulment brought by an unsuccessful prospective purchaser — Duty to state reasons — Fraud — Error of law — Manifest error of assessment — Regulation (EEC) No 4064/89)

1. *Actions for annulment — Actionable measures — Concept — Measures producing binding legal effects — Preparatory measures — Not included — Commission decision to initiate in-depth examination of a concentration operation (Art. 230 EC; Council Regulation No 4064/89, Art. 6(1)(c)) (see para. 89)*