Operative part

The Court:

1. Annuls the decision of the First Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM) of 15 April 2008 (Case R 1429/2007-1);

2. Orders OHIM to pay the costs.

Judgment of the General Court (Eighth Chamber) of 21 April 2010 — Schunk v OHIM (Presentation of part of a chuck)

(Case T-7/09)

(Community trade mark — Application for a Community trade mark in the form of a presentation of part of a chuck with three grooves — Absolute ground for refusal — Lack of distinctive character — Lack of distinctive character acquired by 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))

Community trade mark — Definition and acquisition of the Community trade mark — Absolute grounds for refusal — Marks devoid of any distinctive character (Council Regulation No 40/94, Art. 7(1)(b)) (see paras 22, 33)

Re:

ACTION brought against the decision of the First Board of Appeal of OHIM of 31 October 2008 (Case R 1109/2007-1) concerning the registration of the sign in the form of a presentation of part of a chuck with three grooves as a Community trade mark.

Information relating to the case

Applicant for the Community trade mark:	Schunk GmbH & Co. KG Spann- und Greiftechnik
Community trade mark sought:	Mark showing the cylinder-shaped section of a chuck for goods in Classes 7 and 8 — Application No 3098894
Decision of the Examiner:	Registration refused
Decision of the Board of Appeal:	Appeal dismissed

Operative part

The Court:

1. Dismisses the action;

2. Orders Schunk GmbH & Co. KG Spann- und Greiftechnik to pay the costs.

Judgment of the General Court (Third Chamber) of 27 April 2010 — UniCredito Italiano v OHIM — Union Investment Privatfonds (UNIWEB and UniCredit Wealth Management)

(Cases T-303/06 and T-337/06)

(Community trade mark — Opposition proceedings — Applications for Community word marks UNIWEB and UniCredit Wealth Management — Earlier national word marks UNIFONDS and UNIRAK and earlier national figurative mark UNIZINS —