Re:

APPLICATION for annulment in part of Commission Decision 2006/951/EC of 12 October 2006 on the United Kingdom's application of the tax on non-domestic property to telecommunications infrastructure in the United Kingdom (No C 4/2005 (ex NN 57/2004, ex CP 26/2004)) (OJ 2006 L 383, p. 70).

Operative part

1. The application is dismissed as inadmissible.

2. Vtesse Networks Ltd is ordered to bear its own costs and pay the costs of the European Commission.

3. The United Kingdom of Great Britain and Northern Ireland, AboveNet Communications UK Ltd, Gamma Telecom Ltd, VTL (UK) Ltd and British Telecommunications plc are ordered to bear their own costs.

Judgment of the General Court (Third Chamber) of 21 January 2011 — BSH v OHIM (executive edition)

(Case T-310/08)

(Community trade mark — Application for Community word mark executive edition — Absolute grounds for refusal — Absence of distinctive character — Article 7(1)(b) of Regulation (EC) No 40/94 (now Article 7(1)(b) 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 26, 33-34)

Re:

ACTION brought against the decision of the First Board of Appeal of OHIM of 5 June 2008 (Case R 845/2007-1) concerning an application for registration of the word sign executive edition as a Community trade mark.

Information relating to the case

Applicant for the Community trade mark:	BSH Bosch und Siemens Hausgeräte GmbH
Community trade mark sought:	Word mark executive edition for goods in Classes 7, 9 and 11 — Application No 4908182
Decision of the examiner:	Registration refused
Decision of the Board of Appeal:	Appeal dismissed

Operative part

The Court:

1. Dismisses the action;

2. Orders BSH Bosch and Siemens Hausgeräte GmbH to pay the costs.