Judgment of the General Court (First Chamber) of 12 October 2010 — Asenbaum v OHIM (WIENER WERKSTÄTTE)

(Joined Cases T-230/08 and T-231/08)

(Community trade mark — Applications for Community word mark WIENER WERKSTÄTTE — Absolute ground for refusal — Descriptive character — Article 7(1)(c) of Regulation (EC) No 40/94 (now Article 7(1)(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 33, 42-43)

Re:

ACTION brought against the decision of the Fourth Board of Appeal of OHIM of 10 April 2008 (Cases R 1573/2006-4 and R 1571/2006-4) concerning two applications for registration of the word sign WIENER WERKSTÄTTE as a Community trade mark.

Information relating to the case

Applicant for the Community trade mark:	Paul Asenbaum
Community trade mark sought:	Word mark WIENER WERKSTÄTTE for goods in Classes 6, 11, 14, 16, 20, 21 and 34 (Application No 4133501) and goods in Class 14 (Application No 4207783)

Decision of the examiner:	Applications dismissed
Decision of the Board of Appeal:	Appeals dismissed

Operative part

1. Orders that Cases T-230/08 and T-231/08 be joined for the purposes of the judgment;

2. Dismisses the actions;

3. Orders Mr Paul Asenbaum to pay the costs.

Order of the President of the General Court of 15 October 2010 — Nexans France v Entreprise commune Fusion for Energy

(Case T-415/10 R)

(Application for interim measures — Tendering procedure — Rejection of a tender — Application for suspension of operation of a measure — No urgency)

1. *Applications for interim measures — Suspension of operation of a measure — Interim measures — Conditions for granting — Prima facie case — Urgency — Serious and irreparable damage — Cumulative nature — Balancing of all the interests involved — Order of examination and method of verification — Discretion of the Court hearing the application for interim relief (Arts 256(1) TFEU, 278 TFEU and 279 TFEU; Rules of Procedure of the General Court, Art. 104(2)) (see paras 18-21)*