Judgment of the General Court (Eighth Chamber) of 13 April 2011 — Air France v OHIM (Shape of a parallelogram)

(Case T-159/10)

(Community trade mark — Application for Community figurative mark representing the shape of a parallelogram — Absolute ground for refusal — Lack of distinctive character — 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 distinctive character — Distinctive character not acquired through use (Council Regulation No 207/2009, Art. 7(1)(b)) (see paras 17, 30, 35)

Re:

ACTION brought against the decision of the Second Board of Appeal of OHIM of 27 January 2010 (Case R 1018/2009-2) concerning an application for registration of a sign representing a parallelogram as a Community trade mark.

Information relating to the case

Applicant for the Community trade mark:	Société Air France
Community trade mark sought:	Figurative mark, representing the shape of a parallelogram, for goods and services in Classes 9, 14, 16, 18, 21, 24, 25, 28, 35 to 39 and 41 to 45 — Application No 7576218

Decision of the Opposition Division:	Registration refused
Decision of the Board of Appeal:	Appeal dismissed

Operative part

1. Dismisses the action;

2. Orders Société Air France to pay the costs.

Judgment of the General Court (Seventh Chamber) of 13 April 2011 — Zitro IP v OHIM – Show Ball Informática (BINGO SHOWALL)

(Case T-179/10)

(Community trade mark — Opposition proceedings — Application for Community word mark BINGO SHOWALL — Earlier figurative Community trade mark SHOW BALL — Relative ground for refusal — Likelihood of confusion — Similarity of the signs — Article 8(1)(b) of Regulation (EC) No 207/2009)

Community trade mark — Definition and acquisition of the Community trade mark — Relative grounds for refusal — Opposition by the proprietor of an earlier identical or similar mark registered for identical or similar goods or services — Likelihood of confusion with the earlier mark (Council Regulation No 40/94, Art. 8(1)(b)) (see paras 19-21, 44)