Judgment of the General Court (Sixth Chamber) of 24 March 2011 — CheckMobile v OHIM (carcheck)

(Case T-14/10)

(Community trade mark — Application for the Community word mark carcheck — Absolute ground for refusal — Descriptive character — 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 207/2009, Art. 7(1)(c)) (see paras 19-20, 25-26, 28)

Re:

ACTION brought against the decision of the Fourth Board of Appeal of OHIM of 18 November 2009 (Case R 595/2009-4), relating to an application for registration as a Community trade mark of the word sign carcheck.

Information relating to the case

Applicant for the Community trade mark:	CheckMobile GmbH — The Process Solution Company
Community trade mark sought:	Word mark car check for goods and services in Classes 9, 16, 35, 36, 38, 41, 42 and 45 — Application No 7368681
Decision of the examiner:	Partial refusal of registration
Decision of the Board of Appeal:	Partial annulment of the Examiner's Decision

Operative part

1. Dismisses the action;

2. Orders CheckMobile GmbH – The Process Solution Company to pay the costs.

Order of the General Court (First Chamber) of 25 March 2011 — Noko Ngele v Commission and Others

(Case T-15/10)

(Non-contractual liability — Action brought in part before a court which has no jurisdiction — Action inadmissible in part — Absence of causal link — Action in part manifestly devoid of any basis in law — Articles 111 and 114 of the Rules of Procedure of the General Court)

1. *Procedure — Action by one natural or legal person against other natural or legal persons or seeking to challenge decisions of national courts or the conduct of a Member State — Lack of jurisdiction of the EU judicature (Arts 256 TFEU, 268 TFEU and 340, second para., TFEU; Statute of the Court of Justice, Art. 51 and Annex I, Art. 1) (see paras 37-41)*

2. *Procedure — Action for a declaration of the position of the General Court — Lack of jurisdiction of the General Court (Art. 256 TFEU) (see paras 42-43)*

3. *Non-contractual liability — Conditions — Unlawfulness — Damage — Causal link — One of the conditions not satisfied — Claim for compensation dismissed in its entirety (Art. 340, second para., TFEU) (see paras 44-45)*