Judgment of the General Court (Fifth Chamber) of 11 February 2010 — Deutsche BKK v OHIM (Deutsche BKK)

(Case T-289/08)

(Community trade mark — Application for Community word mark Deutsche BKK — Absolute ground for refusal — Descriptive character and no distinctive character — No distinctive character acquired through use — Article 7(1)(b) and (c) and (3) of Regulation (EC) No 40/94 (now Article 7(1)(b) and (c) and (3) of Regulation (EC) No 207/2009) — Article 73 and Article 74(1), first sentence, of Regulation No 40/94 (now Article 75 and Article 76(1), first sentence, of Regulation 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 — Marks devoid of distinctive character — Exception — Distinctive character acquired through use (Council Regulation No 40/94, Art. 7(1)(b), (c) and (3) (see paras 40, 47-49, 95)

Re:

ACTION brought against the decision of the Fourth Board of Appeal of OHIM of 29 May 2008 (Case R 318/2008-4) concerning an application for registration of the word mark 'Deutsche BKK' as a Community trade mark.

Information relating to the case

Applicant for the Community trade mark:	Deutsche BKK
Community trade mark sought:	Word mark Deutsche BKK for services in Classes 36, 41 and 44 — Application No 4724894

Decision of the Examiner:	Registration refused
Decision of the Board of Appeal:	Appeal dismissed

Operative part

The Court:

1. Dismisses the action;

2. Orders Deutsche Betriebskrankenkasse (Deutsche BKK) to pay the costs.

Order of the President of the General Court of 17 February 2010 — Bakonyi v Hungary

(Case T-456/09 R)

(Application for interim measures — No need to adjudicate)

Application for interim measures — Interim measures — Main action previously dismissed — Application which has become devoid of purpose — No need to adjudicate (Art. 279 TFEU) (see paras 3-4)

Re:

APPLICATION for interim measures in the context of an action against the Republic of Hungary.