Operative part

1. The application for interim measures is dismissed.

2. Costs are reserved.

Judgment of the General Court (Eighth Chamber) of 9 December 2010 — Wilo v OHIM (Faceted casing of an electric motor and representation of green facets)

(Joined Cases T-253/09 and T-254/09)

(Community trade mark — Application for a three-dimensional Community trade mark — Faceted casing of an electric motor — Application for a Community trade mark representing green facets — Absolute grounds for refusal — Lack 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 29, 42)

Re:

Two actions brought against the decisions of the First Board of Appeal of OHIM of 30 March 2009 (Cases R 1184/2008-1 and R 1196/2008-1) concerning applications for registration of a three-dimensional sign consisting of the shape of faceted casing of an electric motor and a figurative sign representing green facets.

Information relating to the case

Applicant for the Community trade mark:	Wilo SE
Community trade mark sought:	Three-dimensional mark representing the casing of a motor of a heating pump for goods in Classes 7 and 11 and a figurative mark representing green facets for goods in Classes 7, 9 and 11 — Application Nos 5805692 and 5620001
Decision of the examiner:	Registrations refused
Decision of the Board of Appeal:	Appeals dismissed

Operative part

The Court:

1. Dismisses the action;

2. Orders Wilo SE to pay the costs.

Judgment of the General Court (Sixth Chamber) of 9 December 2010 — Fédération internationale des logis v OHIM (Green convex square)

(Case T-282/09)

(Community trade mark — Application for a Community figurative trade mark representing a green convex square — Absolute ground for refusal — Lack of distinctive character — Article 7(1)(b) of Regulation (EC) No 207/2009)