

Other party to the proceedings: Simões Dos Santos (Alicante, Spain) (represented by: A. Creus Carreras, lawyer)

**Re:**

Appeal against the judgment of the Civil Service Tribunal of the European Union (First Chamber) of 5 May 2009 in Case F-27/08 *Simões Dos Santos v OHIM*, not published in the ECR, seeking to have that judgment set aside.

**Operative part of the judgment**

The Court:

1. Paragraphs 2 to 25 of the operative part of the judgment of the Civil Service Tribunal of the European Union (First Chamber) of 5 May 2009 in Case F-27/08 *Simões Dos Santos v OHIM* are annulled.
2. The main appeal and the cross appeal are dismissed as to the remainder.
3. The case is referred back to the Civil Service Tribunal.
4. The costs are reserved.

(<sup>1</sup>) OJ C 220, 12.9.2009.

**Judgment of the General Court of 12 November 2010 — Deutsche Bahn v OHIM (Horizontal combination of the colours grey and red)**

(Case T-404/09) (<sup>1</sup>)

**(Community trade mark — Application for Community trade mark consisting in a horizontal combination of the colours grey and red — Absolute ground for refusal — Lack of distinctive character — Article 7(1)(b) of Regulation (EC) No 207/2009)**

(2011/C 13/48)

Language of the case: German

**Parties**

*Applicant:* Deutsche Bahn AG (Berlin, Germany) (represented by: U. Hildebrandt, K. Schmidt-Hern and B. Weichhaus, lawyers)

*Defendant:* Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by: G. Schneider, Agent)

**Re:**

Action brought against the decision of the First Board of Appeal of OHIM of 23 July 2009 (Case R 379/2009-1) concerning an application for registration of a colour sign, consisting in the combination of the colours grey and red, as a Community trade mark.

**Operative part of the judgment**

The Court:

1. Dismisses the action.

2. Orders Deutsche Bahn AG to pay the costs.

(<sup>1</sup>) OJ C 297, 5.12.2009.

**Judgment of the General Court of 12 November 2010 — Deutsche Bahn v OHIM (Vertical combination of the colours grey and red)**

(Case T-405/09) (<sup>1</sup>)

**(Community trade mark — Application for Community trade mark consisting in a vertical combination of the colours grey and red — Absolute ground for refusal — Lack of distinctive character — Article 7(1)(b) of Regulation (EC) No 207/2009)**

(2011/C 13/49)

Language of the case: German

**Parties**

*Applicant:* Deutsche Bahn AG (Berlin, Germany) (represented by: U. Hildebrandt, K. Schmidt-Hern and B. Weichhaus, lawyers)

*Defendant:* Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by: G. Schneider, Agent)

**Re:**

Action brought against the decision of the First Board of Appeal of OHIM of 23 July 2009 (Case R 372/2009-1) concerning an application for registration of a colour sign, consisting in the combination of the colours grey and red, as a Community trade mark.

**Operative part of the judgment**

The Court:

1. Dismisses the action.
2. Orders Deutsche Bahn AG to pay the costs.

(<sup>1</sup>) OJ C 297, 5.12.2009.

**Order of the General Court of 17 November 2010 — Victoria Sánchez v Parliament and Commission**

(Case T-61/10) (<sup>1</sup>)

**(Action for failure to act — Failure to adopt measures — Application for directions to be issued — Request for protective measures — Action in part manifestly inadmissible and in part manifestly devoid of any basis in law)**

(2011/C 13/50)

Language of the case: Spanish

**Parties**

*Applicant:* Fernando Marcelino Victoria Sánchez (Seville, Spain) (represented by: initially, N. Domínguez Varela and, subsequently, P. Suarez Plácido, lawyers)