

Judgment of the Court of First Instance of 21 January 2009
— Korsch v OHIM (PharmaCheck)

(Case T-296/07) ⁽¹⁾

(Community trade mark — Application for the Community word mark PharmaCheck — Absolute ground for refusal — Descriptive character — Article 7(1)(c) of Regulation (EC) No 40/94 — Restriction of the list of goods)

(2009/C 55/40)

Language of the case: German

Parties

Applicant: Korsch AG (Berlin, Germany) (represented by: J. Grzam, initially, and J. Grzam, M. Dittmann and M. Scheffler, subsequently, lawyers)

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

Re:

Action brought against the decision of the Fourth Board of Appeal of OHIM of 5 June 2007 (Case R 358/2007-4) concerning an application for registration of the word sign PharmaCheck as a Community trade mark.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Korsch AG to pay the costs.

⁽¹⁾ OJ C 235, 6.10.2007.

Judgment of the Court of First Instance of 21 January 2009
— Hansgrohe v OHIM (AIRSHOWER)

(Case T-307/07) ⁽¹⁾

(Community trade mark — Application for the Community word mark AIRSHOWER — Absolute ground for refusal — Descriptive character — Article 7(1)(c) of Regulation (EC) No 40/94)

(2009/C 55/41)

Language of the case: German

Parties

Applicant: Hansgrohe AG (Schiltach, Germany) (represented by: S. Weidert and J. Zehnsdorf, lawyers)

Defendant: Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by: G. Schneider, initially, and G. Schneider and S. Schäffner, subsequently, Agents)

Re:

Action brought against the decision of the First Board of Appeal of OHIM of 31 May 2007 (Case R 1281/2006—1) concerning the registration of the word mark 'AIRSHOWER' as a Community trade mark.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Hansgrohe AG to pay the costs.

⁽¹⁾ OJ C 235, 6.10.2007.

Judgment of the Court of First Instance of 22 January 2009
— Commercy v OHIM — easyGroup IP Licensing (easyHotel)

(Case T-316/07) ⁽¹⁾

(Community trade mark — Invalidity proceedings — Community word mark easyHotel — Earlier national word mark EASYHOTEL — Relative ground for refusal — Lack of similarity of the goods and services — Articles 8(1)(b) and 52(1)(a) of Regulation (EC) No 40/94 — Legal aid — Application lodged by the receiver for a commercial company — Article 94(2) of the Rules of Procedure)

(2009/C 55/42)

Language of the case: German

Parties

Applicant: Commercy AG (Weimar, Germany) (represented by: F. Jaschke, initially, and S. Grosse and I. Müller, subsequently, lawyers)

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

Other party to the proceedings before the Board of Appeal of OHIM intervening before the Court of First Instance: easyGroup IP Licensing Ltd (London, United Kingdom) (represented by: T. Koerl and S. Möbus, lawyers)

Re:

Action brought against the decision of the Second Board of Appeal of OHIM of 19 June 2007 (Case R 1295/2006-2) concerning invalidity proceedings between Commercy AG and easyGroup IP Licensing Ltd.