

Information relating to the case

Applicant for the Community trade mark:	Assembled Investments (Proprietary) Ltd
Community trade mark sought:	Figurative mark WATERFORD STELLEN-BOSCH for goods in Class 33 — Application No 1438860
Proprietor of the mark or sign cited in the opposition proceedings:	Waterford Wedgwood plc
Mark or sign cited in opposition:	Community Word mark WATERFORD for goods in Classes 3, 8, 11, 21, 24 and 34 — Community mark No 397521
Decision of the Opposition Division:	Opposition dismissed
Decision of the Board of Appeal:	Contested decision annulled; application for registration dismissed

Operative part

The Court:

1. Annuls the decision of the First Board of Appeal of OHIM of 15 December 2004 (Case R 240/2004-1);
2. Orders the Office for Harmonization in the Internal Market (Trade Marks and Designs) (OHIM) and Waterford Wedgwood plc to pay, in addition to their own costs, the costs incurred by the applicant.

**Judgment of the Court of First Instance (Fifth Chamber) of 12 June 2007 —
MacLean-Fogg v OHIM (LOKTHREAD)**

(Case T-339/05)

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

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 40/94, Art. 7(1)(c)) (see paras 51-55)

Re:

ACTION brought against the decision of the First Board of Appeal of OHIM of 20 June 2005 (Case R 1122/2004-1), concerning the registration of the word mark LOKTHREAD as a Community trade mark.

Information relating to the case

Applicant for the Community trade mark:	MacLean-Fogg Co.
Community trade mark sought:	Word mark LOKTHREAD for goods in Class 6 — Application No 3440666
Decision of the Examiner:	Registration refused
Decision of the Board of Appeal:	Appeal dismissed

Operative part

The Court:

1. Dismisses the action;
2. Orders MacLean-Fogg Co. to pay the costs.