

Mark or sign cited in opposition:	National trade mark registrations of the mark LESTEROL for goods in Class 5
Decision of the Opposition Division:	Opposition upheld
Decision of the Board of Appeal:	Appeal dismissed

Operative part

The Court:

1. Dismisses the action;
2. Orders Longevity Health Products, Inc., to pay the costs.

Judgment of the General Court (Second Chamber) of 16 December 2010 — LG Electronics v OHIM (KOMPRESSOR PLUS)

(Case T-497/09)

(Community trade mark — Application for Community word mark KOMPRESSOR PLUS — Absolute ground for refusal — Descriptive character — Article 7(1)(c) of Regulation (EC) 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 (Council Regulation No 207/2009, Art. 7(1)(c)) (see paras 14, 18-21)

Re:

ACTION brought against the decision of the First Board of Appeal of OHIM of 23 September 2009 (Case R 397/2009-1), relating to an application for registration as a Community trade mark of the word sign KOMPRESSOR PLUS.

Information relating to the case

Applicant for the Community trade mark:	LG Electronics, Inc.
Community trade mark sought:	Word mark KOMPRESSOR PLUS for goods in Class 7 — Application No 7282924
Decision of the examiner:	Registration refused
Decision of the Board of Appeal:	Appeal partially dismissed

Operative part**The Court:**

1. Dismisses the action;
2. Orders LG Electronics, Inc. to pay the costs.