



Reports of Cases

Order of the General Court (Seventh Chamber) of 16 September 2014 — Boston Scientific Neuromodulation v OHIM (PRECISION SPECTRA)

(Case T-497/13)

(Community trade mark — Application for Community word mark PRECISION SPECTRA — Absolute grounds for refusal — Descriptive character — Article 7(1)(c) of Regulation (EC) No 207/2009 — Action in part manifestly inadmissible and in part manifestly lacking any foundation in law)

1. *Community trade mark — Appeals procedure — Action before the EU judicature — Jurisdiction of the General Court — Declaratory judgments — Not included (Council Regulation No 207/2009, Art. 65(2) and (3)) (see para. 11)*
2. *Community trade mark — Definition and acquisition of the Community trade mark — Absolute grounds for refusal — Marks composed exclusively of signs or indications capable of designating the characteristics of a product or service — Concept (Council Regulation No 207/2009, Art. 7(1)(c)) (see paras 15, 16)*
3. *Community trade mark — Definition and acquisition of the Community trade mark — Absolute grounds for refusal — Marks composed exclusively of signs or indications capable of designating the characteristics of a product or service — Assessment of the descriptive nature of a sign — Criteria (Council Regulation No 207/2009, Art. 7(1)(c)) (see paras 17, 28, 29)*
4. *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 — Word mark PRECISION SPECTRA (Council Regulation No 207/2009, Art. 7(1)(c)) (see paras 21, 22)*
5. *Community trade mark — Definition and acquisition of the Community trade mark — Absolute grounds for refusal — Overlap between the scope of the grounds for refusal set out in subparagraphs (b) and (c) of Article 7(1) of Regulation No 207/2009 (Council Regulation No 207/2009, Art. 7(1)(b) and (c)) (see para. 33)*
6. *Community trade mark — Decisions of the Office — Legality — Examination by the EU judicature — Criteria (Council Regulation No 207/2009) (see paras 38, 41, 42)*

Re:

ACTION brought against the decision of the Fifth Board of Appeal of OHIM of 17 May 2013 (Case R 2099/2012-5), concerning an application for registration of the word mark PRECISION SPECTRA as a Community trade mark.

Operative part

1. The action is dismissed.
2. Boston Scientific Neuromodulation Corp. is ordered to pay the costs.