



Reports of Cases

Judgment of the General Court (First Chamber) of 22 September 2016 — Łabowicz v EUIPO — Pure Fishing (NANO)

(Case T-237/15)

(EU trade mark — Invalidity proceedings — EU figurative mark NANO — Absolute ground for refusal — Descriptiveness — Article 7(1)(c) of Regulation (EC) No 207/2009 — Article 52(1) and (2) of Regulation No 207/2009)

1. *EU trade mark — Definition and acquisition of the EU 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 28-30)*
2. *EU trade mark — Definition and acquisition of the EU trade mark — Absolute grounds for refusal — Marks composed exclusively of signs or indications capable of designating the characteristics of a product or service — Figurative mark NANO (Council Regulation No 207/2009, Art. 7(1)(c)) (see paras 31, 47, 50, 51)*
3. *EU trade mark — Decisions of the Office — Legality — EUIPO's previous decision-making practice — Principle of non-discrimination — Irrelevant (Council Regulation No 207/2009) (see para. 36)*
4. *EU trade mark — Appeals procedure — Boards of Appeal — Classification as administration of the Office — Right of the parties to a fair 'process' — None (Council Regulation No 207/2009) (see para. 66)*
5. *EU trade mark — Decisions of the Office — Principle of equal treatment — Principle of sound administration — EUIPO's previous decision-making practice — Principle of legality (Council Regulation No 207/2009) (see paras 67, 68)*

Re:

ACTION brought against the decision of the First Board of Appeal of EUIPO of 5 March 2015 (Case R 2426/2013-1), relating to invalidity proceedings between Pure Fishing and Mr Łabowicz.

Operative part

The Court:

1. Dismisses the action;
2. Orders Mr Edward Łabowicz to pay the costs.