

Case T-311/02

Vitaly Lissotschenko and Joachim Hentze

v

**Office for Harmonisation in the Internal Market
(Trade Marks and Designs) (OHIM)**

(Community trade mark — Application to register the word mark LIMO —
Absolute grounds for refusal — Article 7(1)(b) and (c) of Regulation (EC) No 40/94)

Judgment of the Court of First Instance (First Chamber), 20 July 2004 . . . II - 2959

Summary of the Judgment

*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 a product — Word sign 'LIMO'
(Council Regulation No 40/94, Art. 7(1)(c))*

The word sign LIMO, in respect of which registration is sought for goods in Classes 9 and 10 under the Nice Agreement which include, in particular, lasers for non-medical and for medical purposes, may serve to designate, for the purposes of Article 7(1)(c) of Regulation No 40/94, one of the essential characteristics of the goods referred to in the trade mark application from the point of view of the relevant public which must be deemed to be composed of specialists, who are well-informed, observant and circumspect. The specialist consumer will be in a position to establish a sufficiently direct and

specific link between the goods covered and the sign and will perceive that sign as the abbreviation for 'Laser Intensity Modulation' and as referring, at the very least, to one of the possible intended purposes of those goods, namely as part of a laser intensity modulation system.

(see paras 28, 45)