

## Operative part

The Court:

1. Dismisses the action;
2. Orders Total SA and Elf Aquitaine SA to pay the costs.

### **Judgment of the General Court (Second Chamber) of 7 June 2011 — Psytech International v OHIM — Institute for Personality & Ability Testing (16PF)**

**(Case T-507/08)**

(Community trade mark — Invalidity proceedings — Community word mark 16PF — Absolute grounds for refusal — Distinctive character — No descriptive character — No signs which have become customary — No bad faith — Article 7(1)(b) to (d) and Article 51(1)(b) of Regulation (EC) No 40/94 (now Article 7(1)(b) to (d) and Article 52(1)(b) of Regulation (EC) No 207/2009)

1. *Community trade mark — Surrender, revocation and invalidity — Absolute grounds of invalidity — Registration contrary to Article 7(1)(b) to (d) of Regulation No 40/94 (Council Regulation No 40/94, Arts 7(1)(b) to (d) and 51(1)(a)) (see paras 32-35, 59-65, 78-79)*
2. *Community trade mark — Surrender, revocation and invalidity — Absolute grounds of invalidity — Applicant in bad faith at the time of lodging the trade mark application (Council Regulation No 40/94, Art. 51(1)(b)) (see paras 89-93)*

**Re:**

ACTION brought against the decision of the Second Board of Appeal of OHIM of 23 July 2008 (Case R 1012/2007-2), relating to invalidity proceedings between Psytech International Ltd and the Institute for Personality & Ability Testing, Inc.

**Information relating to the case**

Registered Community trade mark of which cancellation sought:	Word mark 16PF for goods and services in Classes 9, 16, 35, 41 and 42 — Community trade mark registration No 1892652
Proprietor of the Community trade mark:	Institute for Personality & Ability Testing, Inc.
Party requesting the declaration of invalidity of the Community trade mark:	Psytech International Ltd
Decision of the Cancellation Division:	Application for cancellation dismissed
Decision of the Board of Appeal:	Appeal dismissed

**Operative part**

The Court:

1. Dismisses the action;
2. Orders Psytech International Ltd to pay the costs.