



## Reports of Cases

### Judgment of the General Court (First Chamber) of 30 April 2013 — ABC-One v OHIM (SLIM BELLY)

(Case T-61/12)

(Community trade mark — Application for Community word mark SLIM BELLY — Absolute ground for refusal — Descriptive character — Article 7(1)(c) of Regulation (EC) No 207/2009)

1. *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 — Concept (Council Regulation No 207/2009, Art. 7(1)(c)) (see paras 17, 18, 36, 37)*
2. *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 SLIM BELLY (Council Regulation No 207/2009, Art. 7(1)(b)) (see paras 20, 21, 24, 25, 42)*
3. *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 — Concept — Neologism consisting of elements descriptive of characteristics of the goods or services concerned — Whether included where the nature of the combination is not unusual (Council Regulation No 207/2009, Art. 7(1)(c)) (see para. 23)*
4. *Community trade mark — Procedural provisions — Examination of the facts of the Office's own motion — Scope — No obligation to prove matters within common knowledge (Council Regulation No 207/2009, Art. 76(1)) (see para. 28)*
5. *Community trade mark — Definition and acquisition of the Community trade mark — Absolute grounds for refusal — Separate examination of the grounds for refusal in relation to each of the products or services covered by the application for registration — Obligation to state the reasons for refusing to register — Scope (Council Regulation No 207/2009, Arts 7(1), and 75) (see para. 33)*

6. *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 — Assessment of the descriptive nature of a sign — Criteria (Council Regulation No 207/2009, Art. 7(1)(c)) (see para. 38)*

**Re:**

ACTION brought against the decision of the First Board of Appeal of OHIM of 17 November 2011 (Case R 1077/2011-1), concerning an application for registration of the word sign SLIM BELLY as a Community trade mark.

**Operative part**

The Court:

1. Dismisses the action;
2. Orders ABC-One Produktions- und Vertriebs GmbH to pay the costs.