

Reports of Cases

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

(Case T-61/12)

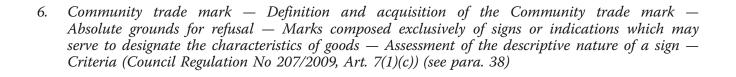
(Community trade mark — Application for Community word mark SLIM BELLY — Absolute ground for refusal — Descriptive character — Article 7(1)(c) of Regulation (EC) No 207/2009)

- 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)

EN

ECLI:EU:T:2013:226

INFORMATION ON UNPUBLISHED DECISIONS



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.

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