



## Reports of Cases

### **Judgment of the General Court (Ninth Chamber) of 22 May 2014 — NIIT Insurance Technologies v OHIM (EXACT)**

**(Case T-228/13)**

(Community trade mark — Application for Community word mark EXACT — Absolute ground for refusal — Descriptive character — Article 7(1)(c) of Regulation (EC) No 207/2009 — Obligation to state reasons — Equal treatment — Article 56 TFEU)

1. *Community trade mark — Definition and acquisition of the Community trade mark — Absolute grounds for refusal — Marks composed exclusively of signs or indications capable of designating the characteristics of a product or service — Assessment of the descriptive nature of a sign — Criteria (Council Regulation No 207/2009, Art. 7(1)(c)) (see paras 20-22)*
2. *Community trade mark — Definition and acquisition of the Community trade mark — Absolute grounds for refusal — Marks composed exclusively of signs or indications capable of designating the characteristics of a product or service — Word mark EXACT (Council Regulation No 207/2009, Art. 7(1)(c)) (see paras 23, 24, 29-31, 36)*
3. *Community trade mark — Definition and acquisition of the Community 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 para. 33)*
4. *Community trade mark — Decisions of the Office — Principle of equal treatment — Principle of sound administration — OHIM's previous decision-making practice — Principle of legality — Need for a strict and complete examination in each particular case (see paras 44, 45)*
5. *Community 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, Arts 62 to 64) (see para. 52)*
6. *Community trade mark — Definition and acquisition of the Community trade mark — Absolute grounds for refusal — Marks composed exclusively of signs or indications capable of designating the characteristics of a product or service — Objective (Council Regulation No 207/2009, Art. 7(1)(c)) (see paras 58, 59)*

**Re:**

ACTION brought against the decision of the Fourth Board of Appeal of OHIM of 18 February 2013 (Case R 1307/2012-4) concerning an application for registration of the word sign EXACT as a Community trade mark.

**Operative part**

The Court:

1. Dismisses the action;
2. Orders NIIT Insurance Technologies Ltd to pay the costs.