



Reports of Cases

Judgment of the General Court (Second Chamber) of 21 January 2015 — Grundig Multimedia v OHIM (Pianissimo)

(Case T-11/14)

(Community trade mark — Application for Community word mark Pianissimo — Mark consisting of an advertising slogan — Absolute ground for refusal — Absence of distinctive character — Article 7(1)(b) of Regulation (EC) No 207/2009 — Equal treatment)

1. *Community trade mark — Definition and acquisition of the Community trade mark — Absolute grounds for refusal — Marks devoid of any distinctive character — Concept — Criteria for assessment (Council Regulation No 207/2009, Art. 7(1)(b)) (see paras 15, 16, 27)*
2. *Community trade mark — Definition and acquisition of the Community trade mark — Absolute grounds for refusal — Marks devoid of any distinctive character — Marks constituted of advertising slogans — Distinctive character — Application of specific criteria for assessment — Inadmissibility (Council Regulation No 207/2009, Art. 7(1)(b)) (see paras 17, 18)*
3. *Community trade mark — Definition and acquisition of the Community trade mark — Absolute grounds for refusal — Marks devoid of any distinctive character — Marks constituted of advertising slogans — Slogan with a fantasy character (Council Regulation No 207/2009, Art. 7(1)(b)) (see para. 19)*
4. *Community trade mark — Definition and acquisition of the Community trade mark — Absolute grounds for refusal — Marks devoid of any distinctive character — Marks constituted of advertising slogans — Flattering promotional formula (Council Regulation No 207/2009, Art. 7(1)(b)) (see para. 20)*
5. *Community trade mark — Definition and acquisition of the Community trade mark — Absolute grounds for refusal — Marks devoid of any distinctive character — Word mark Pianissimo (Council Regulation No 207/2009, Art. 7(1)(b)) (see paras 22-26, 30)*
6. *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 (Council Regulation No 207/2009) (see paras 37-39)*

Re:

ACTION brought against the decision of the Fourth Board of Appeal of OHIM of 5 November 2013 (Case R 441/2013-4), confirming rejection of the application for registration of the word sign Pianissimo as a Community trade mark.

Operative part

The Court:

1. Dismisses the action;
2. Orders Grundig Multimedia AG to pay the costs.