



Reports of Cases

Judgment of the General Court (Third Chamber) of 13 February 2020 – Repsol v EUIPO (INVENTEMOS EL FUTURO)

(Case T-8/19)

(EU trade mark — Application for EU word mark INVENTEMOS EL FUTURO — Absolute ground for refusal — No distinctive character — No distinctive character acquired through use — Article 7(1)(b) and (3) of Regulation (EU) 2017/1001)

1. *EU trade mark — Definition and acquisition of the EU trade mark — Absolute grounds for refusal — Marks devoid of distinctive character — Marks consisting of advertising slogans — Perception of the trade mark by the relevant public — Attention level of the public*

(European Parliament and Council Regulation 2017/1001, Art. 7(1)(b))

(see paras 19, 31, 32)

2. *EU trade mark — Procedural provisions — Statement of reasons for decisions — Article 94 of Regulation 2017/1001 — Scope identical to that of Article 296 TFEU*

(Art. 296 TFEU; European Parliament and Council Regulation 2017/1001, Art. 94)

(see paras 34, 52)

3. *EU trade mark — Definition and acquisition of the EU trade mark — Absolute grounds for refusal — Separate examination of the grounds for refusal in relation to each of the goods or services covered by the application for registration — Obligation to state the reasons for refusing to register — Scope*

(European Parliament and Council Regulation 2017/1001, Art. 94)

(see paras 35, 36, 48, 49)

4. *EU trade mark — Definition and acquisition of the EU trade mark — Absolute grounds for refusal — Marks devoid of distinctive character — Marks consisting of advertising slogans — Laudatory promotional formula*

(European Parliament and Council Regulation 2017/1001, Art. 7(1)(b))

(see paras 55-59)

5. *EU trade mark — Definition and acquisition of the EU trade mark — Absolute grounds for refusal — Marks devoid of distinctive character — Word mark INVENTEMOS EL FUTURO*

(European Parliament and Council Regulation 2017/1001, Art. 7(1)(b))

(see paras 67, 68)

6. *EU trade mark — Definition and acquisition of the EU trade mark — Absolute grounds for refusal — Trade marks which are devoid of distinctive character, descriptive or commonplace — Exception — Distinctive character acquired through use — Assessment criteria*

(European Parliament and Council Regulation 2017/1001, Art. 7(1)(b) and (3))

(see paras 74-78, 84, 85, 107)

Re:

Action brought against the decision of the Second Board of Appeal of EUIPO of 23 October 2018 (Case R 1173/2018-2), relating to an application for registration of the word sign INVENTEMOS EL FUTURO as an EU trade mark.

Operative part

The Court:

1. Dismisses the action;
2. Orders Repsol, SA to pay the costs.