



## Reports of Cases

### **Judgment of the General Court (Fifth Chamber) of 11 April 2013 — CBp Carbon Industries v OHIM (CARBON GREEN)**

**(Case T-294/10)**

(Community trade mark — International registration designating the European Community — Community word mark CARBON GREEN — Absolute grounds for refusal — Descriptive character — Lack of distinctive character — Article 7(1)(b) and (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 — Word mark CARBON GREEN (Council Regulation No 207/2009, Art. 7(1)(c)) (see paras 19, 22-32)*
2. *Community trade mark — Decisions of the Office — Principle of equal treatment — Principle of sound administration — OHIM's previous decision-making practice (see para. 33)*

#### **Re:**

ACTION brought against the decision of the First Board of Appeal of OHIM of 21 April 2010 (Case R 1361/2009-1), concerning an application for registration of the word sign CARBON GREEN as a Community trade mark.

#### **Operative part**

The Court:

1. Dismisses the action;
2. Orders CBp Carbon Industries, Inc. to pay the costs.