



Reports of Cases

Judgment of the General Court (Fifth Chamber) of 8 November 2012 — Hartmann v OHIM (Nutriskin Protection Complex)

(Case T-415/11)

(Community trade mark — Application for the Community word mark Nutriskin Protection Complex — Absolute grounds for refusal — Descriptive character — Article 7(1)(c) of Regulation (EC) No 207/2009 — Lack of distinctive character — Article 7(1)(b) of Regulation No 207/2009 — OHIM's decision-making practice — Obligation to state reasons — Article 75 of Regulation No 207/2009)

1. *Procedure — Application initiating proceedings — Formal requirements — Identification of the subject matter of the dispute — Summary statement of pleas (Rules of Procedure of the General Court, Art. 44(1)(c)) (see para. 10)*
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 — Concept (Council Regulation No 207/2009, Art. 7(1)(c)) (see paras 20-24)*
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 — Word mark Nutriskin Protection Complex (Council Regulation No 207/2009, Art. 7(1)(c)) (see paras 25-30)*
4. *Community trade mark — Decisions of the Office — Principle of equal treatment — Principle of sound administration — OHIM's previous decision-making practice (see para. 36)*
5. *Community trade mark — Procedural provisions — Statement of reasons for decisions (Council Regulation No 207/2009, Art. 75) (see paras 39, 40)*

Re:

ACTION brought against the decision of the First Board of Appeal of OHIM of 26 May 2011 (Case R 1524/2010-1), concerning an application for registration of the sign Nutriskin Protection Complex as a Community trade mark.

Operative part

The Court:

1. Dismisses the action;
2. Orders Paul Hartmann AG to pay the costs.