



Reports of Cases

Judgment of the General Court (Fourth Chamber) of 20 November 2012 — Phonebook of the World v OHIM — Seat Pagine Gialle (PAGINE GIALLE)

(Case T-589/11)

(Community trade mark — Invalidity proceedings — Community word mark PAGINE GIALLE — Absolute grounds for refusal — Distinctive character — Lack of descriptive character — No signs or indications which have become customary — Article 7(1)(b) to (d) of Regulation (EC) No 207/2009 — Distinctive character acquired through use — Article 7(3) of Regulation 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 have become usual in current parlance or in fair and consistent trading customs — Commonplace character — Criteria for assessment (Council Regulation No 207/2009, Art. 7(1)(d)) (see para. 29)*
2. *Community trade mark — Definition and acquisition of the Community trade mark — Absolute grounds for refusal — Trade marks which are devoid of distinctive character, descriptive or commonplace — Word mark PAGINE GIALLE (Council Regulation No 207/2009, Art. 7(1)(b) to (d)) (see paras 31, 34-46)*

Re:

ACTION brought against the decision of the Second Board of Appeal of OHIM of 4 August 2011 (Case R 1541/2010-2), relating to invalidity proceedings between Phonebook of the World and Seat Pagine Gialle SpA.

Operative part

The Court:

1. Dismisses the action;

2. Orders Phonebook of the World to pay the costs.