INFORMATION ON UNPUBLISHED DECISIONS

Reports of Cases

Judgment of the General Court (Fourth Chamber) of 17 January 2012 – Hamberger Industriewerke v OHIM (Atrium)

(Case T-513/10)

(Community trade mark — Application for the Community word mark Atrium — Absolute ground for refusal — Descriptive character — Lack of distinctive character — Article 7(1)(b) and (c) of Regulation (EC) Nº 207/2009)

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 (Council Regulation Nº 207/2009, Art. 7(1)(c)) (see paras 15-20)

Re:

ACTION brought against the decision of the Fourth Board of Appeal of OHIM of 26 August 2010 (Case R 291/2010-4), concerning an application for registration of the word mark Atrium as a Community trade mark.

Operative part

The Court:

1. Dismisses the action;

2. Orders Hamberger Industriewerke GmbH to pay the costs.