Judgment of the General Court (Fourth Chamber) of 7 September 2011 — Meredith v OHIM (BETTER HOMES AND GARDENS)

(Case T-524/09)

(Community trade mark — Application for the Community word mark BETTER HOMES AND GARDENS — Absolute ground for refusal — Partial refusal by the examiner to register the mark — Lack of distinctive character — Article 7(1)(b) of Regulation (EC) No 207/2009)

Community trade mark — Definition and acquisition of the Community trade mark — Absolute grounds for refusal — Marks devoid of any distinctive character (Council Regulation No 207/2009, Art. 7(1)(b)) (see paras 23-24)

Re:

ACTION against the decision of the Second Board of Appeal of OHIM of 23 September 2009 (Case R 517/2009-2), concerning an application for registration of the word sign BETTER HOMES AND GARDENS as a Community trade mark.

Operative part

The Court:

1. Dismisses the action;

2. Orders Meredith Corp. to pay the costs.