Judgment of the Court of First Instance (Second Chamber) of 12 December 2007 — DeTeMedien v OHIM (suchen.de)

(Case T-117/06)

(Community trade mark — Application for the Community word mark suchen.de —

Absolute ground for refusal — Lack of distinctive character — Domain name — Article 7(1)(b) and (c) of Regulation (EC) No 40/94

Community trade mark — Definition and acquisition of the Community trade mark — Absolute grounds for refusal — Marks devoid of any distinctive character (Council Regulation No 40/94, Art. 7(1)(b)) (see paras 30, 32, 33, 37, 38)

Re:

ACTION brought against the decision of the First Board of Appeal of OHIM of 30 January 2006 (Case R 287/2005-1) concerning an application for registration of the word sign suchen.de as a Community trade mark.

Information relating to the case

Applicant for the Community trade mark:	DeTeMedien Deutsche Telekom Medien GmbH
Community trade mark sought:	Word mark suchen.de for goods and services in Classes 9, 16, 35, 36, 38 and 42 — Application No 3915329
Decision of the Examiner:	Registration partially refused
Decision of the Board of Appeal:	Appeal dismissed

Operative part

The Court:

1. Dismisses the action;

2. Orders DeTeMedien Deutsche Telekom Medien GmbH to pay the costs.