



Press and Information

General Court of the European Union

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Judgment in Joined Cases T-292/14 and T-293/14  
Republic of Cyprus v OHIM (HALLOUMI and XΑΛΛΟΥΜΙ)

## **The General Court dismisses the actions brought by the Republic of Cyprus against the decisions to refuse registration of the signs HALLOUMI and XΑΛΛΟΥΜΙ**

Under the Community Trade Mark Regulation,<sup>1</sup> signs which designate, either directly or by reference to one of their essential characteristics, the goods or services in respect of which registration is sought cannot be registered as Community trade marks.

HALLOUMI and XΑΛΛΟΥΜΙ designate a particular type of cheese from the Republic of Cyprus, made in a certain way and having a particular taste, texture and cooking properties.

In 2013, the Republic of Cyprus applied to the Office for Harmonisation in the Internal Market ('OHIM') for registration of the signs HALLOUMI and XΑΛΛΟΥΜΙ for cheese, milk and milk products.

OHIM rejected the applications on the grounds that the signs in question referred to a speciality cheese from that country, that they therefore directly described, for the Cypriot public, the characteristics of the goods covered by the applications for trade-mark registration, namely the kind and geographical origin of the cheese, milk and milk products applied for, and that those signs were thus necessarily devoid of any distinctive character within the meaning of the regulation on the Community trade mark.

The Republic of Cyprus then asked to the General Court to annul those decisions.

By today's judgment, the **General Court** dismisses the actions brought by the Republic of Cyprus and accordingly **upholds the decisions to refuse registration** of the signs HALLOUMI and XΑΛΛΟΥΜΙ as Community trade marks. The Court finds that the marks applied for could not be accepted for registration by reason of their descriptive meaning, for the Cypriot public, with regard to the goods in respect of which registration was sought.

The Court rejects the complaint that the regulation on the Community trade mark allows the registration of certification marks. The Court points out that **that regulation does not provide for the registration of certification marks and therefore does not provide for the protection of such marks**. In order for certification marks to be capable of registration, they have to **be filed as individual trademarks** and **must not be the subject of one of the absolute grounds for refusal** laid down in the regulation on the Community trade mark.

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**NOTE:** An appeal, limited to points of law only, may be brought before the Court of Justice against the decision of the General Court within two months of notification of that decision.

**NOTE:** An action for annulment seeks the annulment of acts of the institutions of the European Union that are contrary to European Union law. The Member States, the European institutions and individuals may, under certain conditions, bring an action for annulment before the Court of Justice or the General Court. If

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<sup>1</sup> Council Regulation (EC) No 207/2009 of 26 February 2009 on the Community trade mark (OJ 2009 L 78, p. 1).

the action is well founded, the act is annulled. The institution concerned must fill any legal vacuum created by the annulment of the act.

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*Unofficial document for media use, not binding on the General Court.*

The [full text](#) of the judgment is published on the CURIA website on the day of delivery

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