



Press and Information

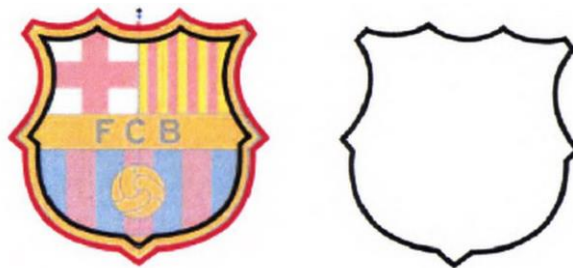
General Court of the European Union
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Judgment in Case T-615/14
Fútbol Club Barcelona v OHIM

The General Court dismisses the action brought by FC Barcelona seeking registration of the outline of its crest as a Community trade mark

The mark sought does not enable consumers to identify the commercial origin of the goods and services covered by the trade mark application

In April 2013, Fútbol Club Barcelona (FC Barcelona) applied to the Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM) for registration of a figurative sign consisting in the shape of its crest for, inter alia, stationery, clothing items and sports activities as a Community trade mark.



The crest of the Football Club of Barcelona (on the left) and the figurative sign for which registration was sought (on the right)

In May 2014, OHIM rejected the application for registration on the ground that the sign in question was not liable to draw consumers' attention to the commercial origin of the goods and services covered by the application.

FC Barcelona brought an action against OHIM's decision before the General Court.

In its judgment today, the General Court confirms that none of the characteristics of the sign at issue contains any striking feature which is liable to attract the attention of consumers. In fact, the mark sought will rather tend to be perceived by consumers merely as a shape and will not enable them to distinguish the proprietor's goods or services from those of other undertakings. The Court further observes that crests are commonly used in business for purely decorative purposes without fulfilling the function of a trade mark.

Consequently, the sign in question does not have the distinctive character required by the Regulation on the Community trade mark¹ for the purposes of being registered. The Court further observes that FC Barcelona has not succeeded in demonstrating that the sign has acquired distinctive character through its use.

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

In those circumstances, **the General Court dismisses in its entirety the action brought by Barcelona FC.**

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

NOTE: Community trade marks are valid throughout the European Union and co-exist with national trade marks. Applications for registration of a Community trade mark are sent to OHIM. Actions against its decisions may be brought before the General Court.

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

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