



Press and Information

General Court of the European Union

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Judgments in Cases T-207/17 and T-208/17  
Senetic S.A. v EUIPO

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## **Hewlett Packard can register the letters HP as an EU trade mark**

In 1996 and 2009, the US corporation HP Hewlett Packard Group successfully applied to the European Union Intellectual Property Office (EUIPO) for registration as EU trade marks the word sign **HP** and the figurative sign reproduced below, respectively, for various goods and services (including cartridges and printers):



In 2015, the Polish company Senetic filed an application for a declaration of invalidity of those registrations, on the ground inter alia that the marks at issue were descriptive and lacking in distinctiveness. EUIPO dismissed Senetic's applications for a declaration of invalidity. Senetic then brought an action before the General Court seeking the annulment of EUIPO's decisions.

By today's judgments, the General Court has dismissed the actions brought by Senetic and thereby confirmed that Hewlett Packard can register the word sign HP and the figurative sign reproduced above as EU trade marks.

As regards the argument that the contested marks, composed of two letters (H and P), were purely descriptive owing to the fact that two-letter signs are commonly used to describe the technological goods and services in question, the General Court states that it cannot be generally asserted that a mark is descriptive simply because it consists of one or two letters. The General Court also finds that the supporting documents submitted by Senetic do not serve to establish a sufficiently direct and specific relationship between the HP sign and the goods and services in question.

As to the fact that the contested marks were allegedly composed of elements lacking any distinctive character, the Court finds that the combination of the two letters constituting the contested marks is not commonly used or simply perceived as an indication lacking any distinctive character, particularly as the HP sign can be understood by the relevant public as a reference to the names Hewlett and Packard, the surnames of the company founders.

Lastly, the Court observes that Senetic failed to produce evidence demonstrating that Hewlett Packard knew that some of the goods and services concerned were marketed by Senetic or by other third parties under a similar or identical sign. It is apparent from the file that Senetic failed to provide any evidence that, at the time of filing the application for registration of the contested mark, a third party was actually using similar or identical signs in marketing its goods or services. In addition, Senetic failed to specify what third party, sign, goods or services were concerned.

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

**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.

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*The full text of the judgments ([T-207/17](#) and [T-208/17](#)) is published on the CURIA website on the day of delivery.*

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