

Joined Cases T-357/99 and T-358/99

Telefon & Buch VerlagsgmbH

v

Office for Harmonisation in the Internal Market
(Trade Marks and Designs) (OHIM)

(Community trade mark — Word marks UNIVERSALTELEFONBUCH and
UNIVERSALKOMMUNIKATIONSVERZEICHNIS —
Absolute grounds for refusal — Descriptive character —
Article 7(1)(c) of Regulation (EC) No 40/94)

Judgment of the Court of First Instance (Fourth Chamber), 14 June 2001 II-1707

Summary of the Judgment

Community trade marks — Definition and acquisition of the Community trade mark — Absolute grounds for refusing registration — Marks composed exclusively of signs or indications which may serve to designate the characteristics of a product — Word marks UNIVERSALTELEFONBUCH and UNIVERSALKOMMUNIKATIONSVERZEICHNIS

(Council Regulation No 40/94, Art. 7(1)(c))

The signs mentioned in Article 7(1)(c) of Regulation No 40/94 on the Community trade mark are signs which exclusively define or indicate the goods or services in issue by reference to their nature, properties, qualities or their intended use and which are regarded as incapable of performing the essential function of a mark, namely that of identifying the origin of the goods or services, thus enabling the consumer who acquired them to repeat the experience, if it proves to be positive, or to avoid it, if it proves to be negative, on the occasion of a subsequent acquisition. The signs UNIVERSALTELEFONBUCH and UNIVERSALKOMMUNIKATIONSVERZEICHNIS cannot constitute a Community trade mark for 'recorded memory media for data processing installations and apparatus, in particular CD-ROMs; printed mat-

ter, reference works; publishing services, in particular the publication of texts, books, magazines, newspapers; and editing of written texts' since they enable members of the public concerned, in the present case the average German-speaking consumer who is reasonably well informed and reasonably observant and circumspect, to establish immediately and without further reflection a concrete and direct association with the goods and services covered by the applications for registration of the disputed trade marks.

(see paras 23, 25-31)