

Case T-316/03

Münchener Rückversicherungs-Gesellschaft AG

v

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

(Community trade mark — Word mark MunichFinancialServices —
Absolute ground for refusal — Descriptive character — Article 7(1)(c)
of Regulation (EC) No 40/94)

Judgment of the Court of First Instance (Fifth Chamber), 7 June 2005 II - 1953

Summary of the Judgment

*Community trade mark — Definition and acquisition of the Community trade mark —
Absolute grounds for refusal — Marks composed exclusively of signs or indications which may
serve to designate the characteristics of goods — Word mark MunichFinancialServices
(Council Regulation No 40/94, Art. 7(1)(c))*

The word mark MunichFinancialServices, for which registration is sought for 'financial services' in Class 36 of the Nice Agreement, is descriptive of the services referred to in the Community trade mark application, for the purpose of Article 7(1)(c) of Regulation No 40/94, from the point of view of the average English-speaking consumer, together with average consumers in other linguistic regions of the Community — in particular German consumers — who have at least a basic knowledge of English, since the relevant public will have no difficulty in perceiving the element 'FinancialServices' in the mark applied for as a perfect description in English

of the financial services referred to in the trade mark application concerned and as there is nothing to suggest that the addition of the word 'Munich' to the expression 'FinancialServices' confers on the mark applied for an additional element as a result of which it loses its character as purely descriptive of financial services offered from Munich.

(see paras 27, 29, 38, 43)