

## Case T-91/99

Ford Motor Company

v

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

(Community trade mark — The word OPTIONS — Absolute ground for refusal — Lack of distinctive character — Article 7(3) of Regulation (EC) No 40/94 — Acquisition through use in part of the Community)

Judgment of the Court of First Instance (Fourth Chamber), 30 March 2000 II - 1927

### Summary of the Judgment

*Community trade mark — Definition and acquisition of the Community trade mark — Absolute grounds for refusal — Lack of distinctive character — Exception — Acquisition through use — Scope — Trade mark devoid of distinctive character in a part of the Community — Acquisition through use in that same part (Council Regulation No 40/94, Art. 7(3))*

In order to have the registration of a trade mark accepted under Article 7(3) of Regulation No 40/94 on the Community trade mark, the distinctive character acquired through the use of that trade mark must be demonstrated in the substantial part of the Community where it was devoid of any

such character under Article 7(1)(b), (c) and (d) of that regulation.

(see para. 27)