

Case T-387/03

Proteome Inc.

v

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

(Community trade mark — Word mark BIOKNOWLEDGE — Absolute grounds for refusal — Article 7(1)(c) of Regulation (EC) No 40/94 — Descriptive sign)

Judgment of the Court of First Instance (Third Chamber), 19 January 2005 II - 193

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 sign 'BIOKNOWLEDGE'

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

From the point of view of a specialist public in the medical, pharmaceutical or other life-science fields and the care business sector, the term BIOKNOWLEDGE may serve to designate, for the purposes of Article 7(1)(c) of Regulation No 40/94 on the Community trade mark, the essential characteristics of the goods and services covered by the application to register that term in respect of certain goods and services containing information about organisms or making it possible to gain access to such information and falling within Classes 9, 16 and 42 of the Nice Agreement.

meaning of the term BIOKNOWLEDGE, namely, specific information about living organisms, that is to say, information particular to those organisms, on the one hand, and the goods and services in question, on the other, is not too vague or indeterminate, with the result that there exists, from the point of view of that public, a sufficiently direct and concrete connection between the meaning of that term and the characteristics of those goods and services. Moreover, the structure of the term BIOKNOWLEDGE cannot be perceived as unusual by the consumers concerned, since it complies with the English rules of word composition.

Inasmuch as the relevant public consists of specialists in the life-science and care business fields, the link between the possible

(see paras 28, 32, 34-35, 41-42)