

**DECISION  
of the First Board of Appeal  
of 2 May 2023**

In case R 1967/2022-1

**MARGIELA**

12 Place des Etats Unis,  
75116 Paris,  
France

Applicant / Appellant

represented by BARZANO' & ZANARDO MILANO S.P.A., Via Borgonuovo 10, 20121  
Milano, Italy

APPEAL relating to European Union trade mark application No 18 568 596

THE FIRST BOARD OF APPEAL

composed of G. Humphreys (Chairperson), A. González Fernández (Rapporteur) and M. Bra  
(Member)

Registrar: H. Dijkema

gives the following

## Decision

### Summary of the facts

- 1 By an application filed on 30 September 2021, MARGIELA ('the applicant'), sought to register the figurative mark

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**10 11 12 13 14 15 16**  
**17 18 19 20 21 22 23**

as a European Union trade mark ('EUTM') for the following list of goods and services, as amended on 12 November 2021:

Class 4: *Candles; Christmas tree candles; aromatherapy fragrance candles; scented candles.*

Class 11: *Lighting apparatus; linear air diffusers; electric dispensers for air fresheners; air freshener plug-ins; supply air diffusers; electric candles.*

Class 21: *Household utensils and containers; kitchen utensils and containers; combs and sponges; glassware for household purposes; knife blocks; dishes; plates; carafes; drinking glasses; candle holders; incense burners; flowerpots not made of paper; trays for domestic purposes, vases; glasses (containers); perfume sprays; pomanders [containers]; aromatic oil diffusers, other than reed diffusers; scent sprays [atomizers].*

Class 35: *Retail and wholesale services in connection with: bleaching preparations and other substances for laundry use, cleaning, polishing, degreasing and abrasive preparations, perfumery products, perfumes, eau de toilet, cosmetic products, soaps, toiletry soaps, lotions, salts, oils and gels (not for medical use) for the bath, shaving and toiletry purposes, essential oils, make-up powder, make-up, nail polish, lipstick, talcum powder for toiletry use, hair lotions (not for medical use), hair spray, shampoos, toothpastes; retail and wholesale services in connection with: ethereal essences and oils, incense sticks, scented sachet, scented linen water, scented room sprays, fragrances for automobiles, household fragrances, air fragrance reed diffusers, fragrance refills for non-electric room fragrance dispensers, potpourris (fragrances), room fragrances, room fresheners (fragrance preparations), body deodorants; retail and wholesale services in connection with: candles, Christmas tree candles, aromatherapy fragrance candles, scented candles; retail and wholesale services in connection with: spectacles, spectacles cases, spectacle chains, optical frames, contact lenses, protective helmets, headphone-microphone combinations, smart watches, earbuds, wearable activity trackers, mobile phones, cases and carrying cases, sacks, and bags, all for use with computers and portable and handheld digital electric and electronic devices, covers for use with computers and portable and handheld digital electric and electronic devices; retail and wholesale services in connection with: docking stations for computers and mobile phones, loudspeakers, computers, computer mice, battery pack, power adapters for computers, earphones, downloadable mobile applications and software for computers and mobile devices, headphones and earphones; retail and wholesale services in connection with: lighting*

*apparatus, linear air diffusers, electric dispensers for air fresheners, air freshener plug-ins, supply air diffusers, electric candles; retail and wholesale services in connection with: jewelry and costume jewelry, namely rings, bracelets, necklaces, tie-bars, scarf rings, pendants, ear clips, tie clips cufflinks, earrings, key holders made of precious metals, brooches, pins being jewelry, clocks, watches, chronographs for use as watches, chronometers; retail and wholesale services in connection with: bags, handbags, purses, clutches, bumbags, travel baggage, valises, pocket wallets, leather purses, umbrellas, key cases, grocery tote bags, net-bags for shopping, vanity cases, not fitted, duffel bags, haversacks, attaché cases, credit-card holders, business card cases, school book bags, rucksacks, small bags for men, suitcases, shopping bags, satchels; retail and wholesale services in connection with: furniture, mirrors, picture frames, plaster, mattresses; retail and wholesale services in connection with: household utensils and containers, kitchen utensils and containers, combs and sponges, glassware for household purposes, knife holders for the table, dishes, plates, carafes, drinking glasses, candle holders, incense burners, flowerpots not made of paper, trays for domestic purposes, vases, glasses (containers), perfume sprays, pomanders [containers], aromatic oil diffusers, other than reed diffusers, scent sprays [atomizers]; retail and wholesale services in connection with: fabrics, bed and table covers, bath linen (except clothing), household linen, curtains of textile; retail and wholesale services in connection with: clothing, coats, mantles, raincoats, dusters, furs, dresses, suits, skirts, jackets, knitwear, trousers, shorts sets, bermuda, jeans, waistcoats, shirts, t-shirts, tops, blouses, jerseys, sweaters, blazers, cardigans, stockings, socks, underwear, corsets, brassiere, underpants, dressing gowns, night-gowns, nightwear, shifts, pajamas, bathrobes, bathing suits, beach-wraps, sun suits, sport jackets, waterproof clothing, wind-resistant jackets, anoraks, sweat suits; retail and wholesale services in connection with: ties, neckties, scarves, shawls, mufflers, foulards being clothing articles, gloves being clothing, headgear, caps, hats, hoods, sashes, belts, footwear, boots, shoes, slippers, hoodies, leggings, parkas, sweatpants, sneakers, ankle boots, mittens, headbands, headwear, face mask [clothing]; retail and wholesale services in connection with: carpets, cutlery, printed matter, stationery.*

- 2 During the proceedings before the examiner, there have been various exchanges with the applicant concerning the distinctive character of the sign applied for. The Office maintained the position that the application lacks distinctive character pursuant to Article 7(1)(b) EUTMR whereas the applicant contended that the sign applied for has sufficient distinctiveness complying with the main function of a trade mark enabling the consumers to identify the producer of the goods.
- 3 On 19 August 2022, the examiner took a decision ('the contested decision') entirely refusing the sign mark applied for, under Article 7(1)(b) EUTMR.
- 4 The decision was based on the following main findings:
  - The applicant cannot rely on case 10/03/2011, C-51/10 P, 100, EU:C:2011:139, § 52, since the trade mark application at issue is refused on the basis of Article 7(1)(b) EUTMR and not on the basis of Article 7(1)(c) EUTMR.
  - The relevant consumers perceive the sign applied for as a listing of the product/article number sold by the applicant or, for example, as a bar code on a product. They give to a long list of numbers just a cursory glance and do not stop to see what numbers are in the sign or to memorise it. Neither the typeface nor the fact that the numbers appear on three lines are seen by the relevant consumers as indications of commercial origin.

- The earlier marks referred to by the applicant were registered in different classes. However, the mere fact that a less restrictive approach seems to have prevailed does not amount to a violation of the principle of non-discrimination, or a reason for invalidating a decision which per se appears to be reasonable and conforms to the EUTMR as interpreted by the EU judicature.

### **Grounds of appeal**

- 5 On 7 October 2022, the applicant (hereinafter ‘appellant’) filed an appeal against the contested decision, requesting that the decision be entirely set aside.
- 6 The statement of grounds of the appeal was received on 15 December 2022. The arguments raised in the statement of grounds may be summarised as follows:
  - A judgment in case 10/03/2011, C-51/10 P, 1000, EU:C:2011:139, § 29, 30 ruled that signs composed exclusively of numerals with no graphic modifications may be registered as trade marks. Therefore, a numeral may be registered as a trade mark provided it is not descriptive or distinctive for the goods and services concerned.
  - The sign applied for presents no connection with the goods and services, since it is composed by all the numbers from 0 to 23, including 0 that cannot be connected to quantities of products or services.
  - The sign applied for will be perceived as a figurative trade mark composed by numbers positioned on three separate lines, one above the other, and not as a mere enumeration of numbers.
  - The fact that the relevant consumers are not used to seeing a long sequence of numbers is not a reason to support the view that the sign applied for is not perceived as a badge of origin. On the contrary, this argument should be in favour of distinctiveness.
  - The sign applied for cannot be perceived as product/articles numbers, since these are generally short sequences of numbers, used by companies, internally or on the packaging, to replace the name of a precise article or to track items in stores. They never contain 23 numbers, nor are they in regular sequences of three lines. The sign applied for cannot be seen as a bar code either, since they are much shorter, the numbers are not in numerical order and are positioned on the same line.
  - The sign applied for cannot be perceived as a pre-printed label on which the quantity of the goods is highlighted. The quantity is represented by a single number and not by a succession of numbers within which a single number is highlighted. Moreover, the sign applied for does not highlight any number.
  - The appellant’s series of numbers is the subject of numerous EU registrations which differ from the sign applied for only by the presence of a circle on a number, which is different in each registration.
  - In the light of the principles of equal treatment and sound administration, the Office must take into account the decisions already taken in respect of similar applications and must carefully consider whether or not it should decide in the same way.

### **Reasons**

- 7 The appeal complies with Articles 66, 67 and Article 68(1) EUTMR. It is admissible.

- 8 However, the appeal is unfounded. The request to annul the contested decision must be refused since it rightly found that the sign applied for was devoid of any distinctive character, within the meaning of Article 7(1)(b) EUTMR, as will be reasoned hereunder.

*Scope of the appeal*

- 9 The appellant (applicant) appealed the contested decision in its entirety. The Board will therefore examine whether the contested sign is eligible for registration pursuant to Article 7(1)(b) EUTMR for the goods and services applied for, as amended.

*Article 7(1)(b) EUTMR*

- 10 According to settled case-law, the signs referred to in Article 7(1)(b) EUTMR are those that are regarded as incapable of performing the essential function of a trade 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 (27/02/2002, T- 79/00, LITE, EU:T:2002:42, § 26; 03/07/2003, T- 122/01, BEST BUY (fig.), EU:T:2003:183, § 20; 09/12/2010, T- 307/09, NATURALLY ACTIVE, EU:T:2010:509, § 21; 24/04/2018, T- 208/17, HP, EU:T:2018:216, § 39).
- 11 For a trade mark to possess distinctive character for the purposes of that provision, it must serve to identify the products in respect of which registration is sought as originating from a particular undertaking, and thus to distinguish those products from those of other undertakings (29/04/2004, C- 456/01 P, Tabs (3D), EU:C:2004:258, § 34; 27/11/2018, T- 824/17, H2O+, EU:T:2018:843, § 16). It is also apparent from the case-law that a minimum degree of distinctive character is sufficient to preclude the application of the absolute ground for refusal set out in Article 7(1)(b) EUTMR (27/02/2002, T- 34/00, EUROCOOL, EU:2002:T:41, § 39; 20/01/2021, T- 253/20, IT'S LIKE MILK BUT MADE FOR HUMANS, EU:T:2021:21, § 46).
- 12 The distinctive character of a trade mark must be assessed, first, by reference to the goods or services in respect of which registration has been applied for and, second, by reference to the relevant public's perception of the mark (21/01/2010, 398/08-P, Vorsprung durch Technik, EU:C:2010:29, § 34; 12/07/2012, 311/11-P, Wir machen das Besondere einfach, EU:C:2012:460, § 24).
- 13 In the light of these considerations, the Board of Appeal must examine whether the examiner incorrectly found that the trade mark applied for is devoid of distinctive character within the meaning of Article 7(1)(b) EUTMR.

*Relevant public*

- 14 The goods and services applied for target both the average consumer, who is reasonably well informed and reasonably observant and circumspect, and specialists with particular professional knowledge or experience in the field.
- 15 It is settled case-law that the way in which the relevant public perceives a trade mark is influenced by its level of attention, which is likely to vary according to the category of goods or services in question (22/06/1999, C-342/97, Lloyd Schuhfabrik, EU:C:1999:323, § 26).
- 16 Due to the nature of the goods, the level of attention displayed by the relevant public will vary from average to high. A higher level of attention and knowledge does not necessarily imply that a sign is less subject to any absolute grounds of refusal (12/07/2012, C-311/11

P, Wir machen das Besondere einfach, EU:C:2012:460, § 48; 29/01/2013, T-25/11, Cortadora de cerámica, EU:T:2013:40, § 50).

- 17 Moreover, a high attentiveness on the part of part or the whole relevant public does not imply that a sign is less subject to any absolute grounds of refusal. Furthermore, signs which are not (fully) understood by consumers can be grasped immediately by the specialised public, in particular if the sign is composed of indications which relate to the field in which the latter public is active (11/10/2011, T-87/10, Pipeline, EU:T:2011:582, § 27-28).
- 18 Furthermore, as the sign does not contain any word elements, the perception by the public in all the Member States of the EU is relevant (12/09/2007, T-141/06, Glaverbel, EU:T:2007:273, § 41; 15/11/2007, T-71/06, Windenergiekonverter, EU:T:2007:342, § 44).

*Distinctiveness of the sign applied for*

- 19 The Court of Justice has already ruled that the fact that a sign is composed exclusively of numerals is not enough in itself to prevent that sign from being registered as a trade mark. That is apparent from Article 4 EUTMR, which expressly provides that numerals are among the signs of which a mark may consist (10/03/2011, C- 51/10, 1000, EU:C:2011:139, § 29-30).
- 20 Moreover, the fact that a sign, such as that at issue, is composed of numerals with no graphic modifications and has not therefore been stylised creatively or artistically by the applicant for registration does not as such preclude that sign from being registered as a mark (see, by analogy, 09/09/2010, C- 265/09,  $\alpha$  (fig.), EU:C:2010:508, § 38).
- 21 However, the fact that a sign is, in general, capable of constituting a trade mark does not mean that the sign necessarily has distinctive character for the purposes of Article 7(1)(b) EUTMR in relation to a specific good or service ((29/04/2004, C-456/01 P & C-457/01 P, Tabs (3D), EU:C:2004:258, § 32). A numeral may, therefore, be registered as an EUTM if it is distinctive for the goods and services covered by the application for registration and is not merely descriptive or otherwise non-distinctive for those goods and services.
- 22 The relevant public will identify the sign applied for, in relation to the goods and services designated, as a sequence of numbers from 0 to 23, presented in a plain font, positioned on three separate lines one above the other. However, these characteristics, as such, do not suffice to support the view that it has the minimum distinctive character necessary for registration as an EU trade mark.
- 23 In the contested decision, the examiner found that the relevant public would perceive the sign at issue as, for example, a listing of the product/article number, a bar code, or a pre-printed label. By doing so the examiner determined the way in which the sign applied for will, if registered, probably be shown to the public (see, to this extent, 12/09/2019, C-541/18, Sign comprising a hashtag, EU:C:2019:725, § 24, 25). The Board concurs that the sign at issue will likely be perceived by the relevant public as a pre-printed tag/label to be affixed, for example, on the goods in Classes 4, 11 and 21 or on their packaging or, with particular regard to retail services, in Class 35, on an invoice, on a letter head or on a catalogue.
- 24 When assessing the distinctiveness of the mark with respect to the goods at issue bearing in mind the most common ways in which the sign will be shown to the public mentioned above, it must be first noted that the relevant public is accustomed to seeing long series of

numbers pre-printed on tags/labels on goods or on their packaging, corresponding, for example, to some internal code (e.g. article code, inventory number), for goods such those in Classes 4, 11 and 21. Likewise, when examining the distinctiveness of the mark bearing in mind the common ways it will be shown to the public with respect to the retail/wholesale services in Class 35, it must be borne in mind that the public is also accustomed to seeing long sequences of numbers used for administrative purposes, which could correspond, for example, to the commercial registry number for a shop/company; the print authorisation number for a catalogue of goods offered by the retailer/wholesaler providing these services; the invoice/article number on an invoice; etc.

- 25 In this respect, the examples provided by the applicant are irrelevant. Indeed, the mark applied for does not cover, *clothing* in Class 25, *handbags*, in Class 18, or *jewellery*, in Class 14. The way marks may be used and perceived by the public for such goods, where aesthetic and design/decorative considerations play a significant role, does not necessarily correspond to the way marks are used and perceived, when used for the goods at issue, in Classes 4, 11 and 21, where the utilitarian aspect prevails over purely aesthetic considerations. Thus, the examples provided by the applicant, cannot affect the assessment of the distinctiveness of the mark, which must be assessed, *in concreto*, based on the way in which the relevant consumers would normally perceive long sequences of numbers when used in the context of the goods and services at issue here.
- 26 The fact that the sequence does not highlight any specific number does not make it distinctive for the goods and services covered by the application for registration. In particular, the Board notes that a pre-printed tag/label of long sequences of numbers in three lines, could not provide information to consumers capable of designating the commercial origin of the goods or services. For example, the sequence of numbers in three lines, when put on a tag/label for the goods at issue, could indicate the reference number of three variants of an article in stock (e.g. three variants of the same product in three colours) one on top of the other, or as a way which could enable the shop to circle one number in pen for internal accounting purposes (e.g. to indicate the number of items remaining in stock, which may vary and thus can be indicated by hand). When used for the services at issue, the long sequences of numbers in three lines, could be perceived as providing administrative information for the undertaking (e.g. company number/commercial registration number) and/or its services (e.g. publication authorisation number of the retailer's/wholesaler's catalogue, etc.) as explained above.
- 27 As regards both the goods and services applied for, the Board recalls that there must be certain aspects of the signs at issue which may be easily and instantly memorised by the relevant public and which would make it possible for those signs to be perceived immediately as indications of the commercial origin (see, to that effect and by analogy, 29/09/2009, T- 139/08, Device of smile from SMILEY (fig.), EU:T:2009:364, § 31).
- 28 In the present case, the sequence of numbers from 0 to 23, in three lines when applied to the goods and services for which protection is sought, would not easily and instantly be recalled by the relevant public as a distinctive sign, but will likely be perceived by the relevant public as one (or three) non-distinctive sequence(s) of numbers.
- 29 The Board observes that the length of the sequence(s) does not allow the individual details of the mark to be committed to memory, or the sign taken as a whole, to be apprehended. The sign for which protection is sought would be perceived by the relevant public as one (or three) long sequence(s) of numbers positioned on three separate lines, but the relevant public is unlikely to remember what numbers are listed in the sign or positioned at the

beginning or at the end of each line. Therefore, the sign, taken as a whole, will be perceived as one (or three) unmemorable sequence(s) of numbers, and therefore the relevant public will not tend to perceive it as a particular indication of commercial origin.

- 30 Moreover, the Board stresses that the goods covered by the sign applied for are sold in physical and online stores, where visual communication takes precedence over oral communication, as well as in specialist shops, where the importance of those two means of communication is generally comparable, and by way of doorstep-selling, where the oral aspect is predominant. The relevant services in this matter, the retail and wholesale services in connection with various goods, are also the subject of advertising, further oral recommendation and, last but not least, the subject of oral orders made by telephone. Consequently, the mark applied for will be used both in writing and orally.
- 31 For the sign at issue – which is intended to be heard as much as to be read – the minimum degree of distinctiveness must be satisfied as regards both the aural and the visual impression produced by the sign (see, by analogy, 26/11/2008, T-184/07, *Anew* alternative, EU:T:2008:532, § 25 and the case-law cited therein). In particular, the Board notes that, unlike when ordering a product by reference to a specific product number or referring to a company for administrative purposes, the relevant public will not pronounce the full sequence(s) of numbers of the sign applied for, for example when orally recommending or advertising the goods or services at issue. The sign applied for, is unlikely to be referred to as a mark aiming to distinguish, without any possibility of confusion, the goods or services of the owner of the mark from those of a different commercial origin. Consequently, the sign applied for is devoid of distinctive character and its registration is for that reason impermissible on the grounds for absolute refusal laid down in Article 7(1)(b) EUTMR.
- 32 As regards the samples of actual use filed by the appellant (applicant) in its statement of grounds, the Board recalls that the assessment of the perception of the relevant public must be carried out *in concreto*, taking into consideration all the relevant facts and circumstances (see, in particular, judgments of 12/02/2004, *Koninklijke KPN Nederland*, C- 363/99, EU:C:2004:86, § 33 and 35, and of 6/07/2017, *Moreno Marín*, C- 139/16, EU:C:2017:518, § 24). In particular, the Board notes that these examples, namely *bracelets* in Class 14, *bags and business card cases* in Class 18, and *clothing* in Class 25, refer to a different economic sector and cannot allow the consumer to determine the way in which the sign applied for will, if registered, probably be shown to the public (12/09/2019, C-541/18, *Sign* comprising a hashtag, EU:C:2019:725, § 24,25). In addition, the Board notes that regarding the goods at issue in Classes 4, 11 and 21 (inter alia, *candles, kitchen utensils, lighting apparatus*), which are mainly utilitarian items, and the services applied for in Class 35, the relevant public expects to see long numbers in the form, inter alia, of pre-printed tags/labels corresponding to some internal or administrative code, as explained in paragraphs 23 and 24 above.
- 33 The fact that the relevant public is not used to see long sequences of numbers as a badge of commercial origin cannot be an argument in favour of distinctiveness. As already explained, consumers are used to seeing long sequences of numbers on internal code tags on goods, and on invoices, letter heads and catalogues, which do not serve to provide any information to consumers as to the commercial origin of the goods and services at issue but would be merely perceived as some internal tagging of the goods or administrative code for the undertaking providing the services. Moreover, although a minimum degree of distinctiveness is sufficient for registration, it is clear, from the above analysis and explanations, that in the present case the sign applied for contains a non-distinctive



indication in relation to the goods and services in question. In order to have the minimum degree of distinctiveness required under Article 7(1)(b) EUTMR, the sign concerned must simply appear *prima facie* capable of enabling the relevant public to identify the origin of the goods or services covered by the European Union trade mark application and to distinguish them, without any possibility of confusion, from those of a different origin (13/06/2007, T-441/05, I, EU:T:2007:178, § 55).

- 34 Even from the point of view of the specialised public, the mark in question has no characteristic element or any memorable eye-catching features likely to confer a minimum degree of distinctive character on the sign. The Board considers that the sign at issue is likely to go unnoticed by most consumers or that it will not be perceived as a sign denoting a connection with a specific undertaking.
- 35 Due to the impression produced by the mark as a whole, the connection between the relevant goods and services and the mark applied for is not sufficiently indirect to endow it with the minimum level of inherent distinctiveness required under Article 7(1) (b) EUTMR.
- 36 As regards the examples of earlier trade mark registrations relied on by the applicant (EUTM no 8 196 669, EUTM no 1 743 871, EUTM no 3 515 582, EUTM no 3 544 087, EUTM no 4 718 086, EUTM no 4 718 227, EUTM no 8 640 328 and EUTM no 12 030 301), the Board recognises that decisions of the Office concerning the registration of a sign as an EU trade mark pursuant to the EUTM Regulation shall be taken within the limits of its powers and shall not be subject to discretion. Moreover, each case must be decided on the basis of its own facts. The examination of absolute grounds for refusal must be complete and rigorous (06/05/2003, C-104/01, *Libertel*, EU: C: 2003: 244, § 59) and may not consist solely of the repetition of allegedly comparable decisions or cases. The legality of decisions of the Boards of Appeal must be assessed only on the basis of the EU Trade Mark Regulation, as interpreted by the case-law of the European Union, and not on the basis of the Office's previous decision-making practice (02/12/2008, T-212/07, *Barbara Becker*, EU: T: 2008: 544, § 43; 27/02/2002, T-106/00, *Streamserve*, EU: T: 2002: 43, § 66).
- 37 Although the Board of Appeal agrees that the Office should strive for consistent decision-making and apply the same criteria when examining trade marks, it follows that the Board of Appeal cannot be bound by the decisions of the first-instance bodies, in particular where no appeal has been lodged against them (27/03/2014, T- 554/12, *AAVA MOBILE / JAVA*, EU:T:2014:158, § 65).
- 38 The principle of equal treatment must be reconciled with respect for legality. Each case is thus assessed on the basis of its individual factual circumstances, which does not make it mandatory to require the conditions of another case to be applied. The assessment of distinctive character within the meaning of Article 7(1)(b) EUTMR, in conjunction with Article 7(2) EUTMR, must always be carried out in the light of the specific characteristics of each trade mark. Registration of a trade mark is always sought in respect of the specific goods and services covered by the registration. The question whether or not some of the grounds for refusal set out in Article 7 of the EUTMR apply to a trade mark must therefore be assessed specifically by reference to those goods or services.
- 39 A person filing an application for a trade mark may not rely, for his/her own benefit and in order to secure the same decision, on a possible incorrect decision taken in favour of someone else (10/03/2011, C-51/10 P, 1000, EU: C:2011:139, § 76). This is particularly true where the Boards of Appeal did not have the opportunity to rule on the matter.

- 40 In addition to its reasoning, the Board of Appeal adds that the legislature intended to provide a mechanism for dealing with trade mark registrations *contra legem*, by introducing a procedure for the revocation or invalidity of a trade mark.
- 41 For the abovementioned reasons, and pursuant to Article 7(1)(b) EUTMR, the application for the sign applied for is hereby rejected for all the goods and services claimed.

**Order**

On those grounds,

**THE BOARD**

hereby:

**Dismisses the appeal.**

Signed

G. Humphreys

Signed

A. González Fernández

Signed

M. Bra

Registrar:

Signed

H. Dijkema

