



Press and Information

General Court of the European Union

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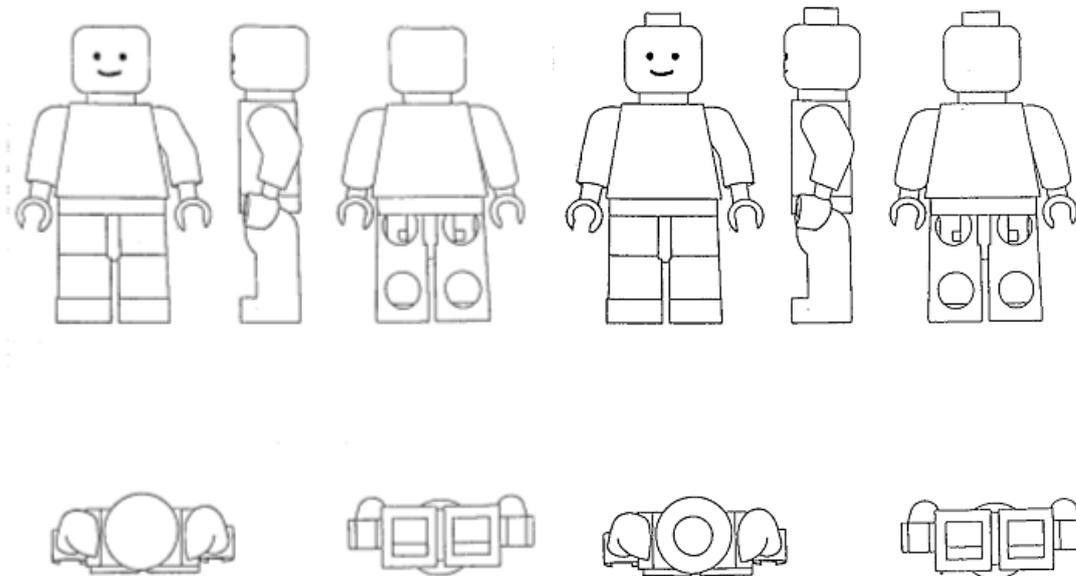
Luxembourg, 16 June 2015

Judgments in Cases T-395/14 and T-396/14
Best-Lock Europe (Ltd) v OHIM — Lego Juris

The General Court upholds the registration of the shape of Lego figures as a Community trade mark

According to the Community Trade Mark Regulation,¹ a sign which consists exclusively of the shape determined by the nature of the goods themselves or which consists exclusively of the shape of goods necessary to obtain a technical result may not be registered as a Community trade mark.

In 2000, Lego Juris ('Lego') registered the following three-dimensional Community trade marks with the Office for Harmonisation in the Internal Market ('OHIM') in respect of, inter alia, games and playthings:



Best-Lock, a competitor which uses similar figures, applied for a declaration of invalidity in respect of those trade marks, on the grounds, first, that the shape of the goods in question is determined by the nature of the goods themselves (namely, the possibility of joining them to other interlocking building blocks for play purposes) and, second, that the toy figures in question, both as a whole and in their particulars, provided technical solutions (namely, being combined with other building blocks). OHIM rejected Best-Lock's applications for a declaration of invalidity. Best-Lock therefore applied to the General Court of the European Union for annulment of OHIM's decisions.

By today's judgments, **the General Court** dismisses Best-Lock's actions and thereby **upholds the decisions to register the shape of Lego figures as a Community trade mark.**

¹ Council Regulation (EC) No 40/94 of 20 December 1993 on the Community trade mark (OJ 1994 L 11, p. 1), as replaced by Council Regulation (EC) No 207/2009 of 26 February 2009 on the Community trade mark (OJ 2009 L 78, p. 1).

Regarding, first of all, the complaint that the shape of the goods in question is determined by the nature of the goods themselves, the General Court rejects that complaint as inadmissible in so far as Best-Lock has not put forward any argument to support that assertion and has not provided any reasoning to show that OHIM's findings in that regard were incorrect.

Concerning the complaint that the shape of the goods in question is necessary to obtain a technical result, the General Court observes that **it appears that no technical result is connected to or entailed by the shape of the essential characteristics of the figures (heads, bodies, arms and legs), as those characteristics do not, in any event, allow the figures to be joined to interlocking building blocks.** In addition, the graphical representation of the hands of the figures in question, the protrusion on their heads and the holes under their feet and inside the backs of their legs do not, per se, enable it to be known whether those components have any technical function (such as enabling them to be joined to other components) and, if so, what that function is. Lastly, there is nothing to permit the inference that the shape of the figures in question is, as such and as a whole, necessary to enable the figures to be joined to interlocking building blocks: the 'result' of that shape is simply to confer human traits on those figures, it being understood that the fact that the figures in question represent characters and may be used by a child in an appropriate play context cannot be described as a 'technical result'.

The General Court concludes from this that **the characteristics of the shape of the figures in question are not necessary to obtain a technical result.**

NOTE: An appeal, limited to points of law only, may be brought before the Court of Justice against the decision of the General Court within two months of notification of the decision.

NOTE: An action for annulment seeks the annulment of acts of the institutions of the European Union that are contrary to EU law. The Member States, the European institutions and individuals may, under certain conditions, bring an action for annulment before the Court of Justice or the General Court. If the action is well founded, the act is annulled. The institution concerned must fill any legal vacuum created by the annulment of the act.

NOTE: Community trade marks are valid throughout the European Union and co-exist with national trade marks. Applications for registration of a Community trade mark are sent to OHIM. Actions against its decisions may be brought before the General Court.

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The full text of the judgments [T-395/14](#) and [T-396/14](#) are published on the CURIA website on the day of delivery

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