



Press and Information

General Court of the European Union
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Judgment in Case T-806/19
Govern d'Andorra v EUIPO (Andorra)

The General Court confirms that the figurative sign ANDORRA cannot be registered as an EU trade mark for several goods and services

The mark is descriptive and the relevant public is likely to perceive it as an indication of the origin of the goods and services in question

In June 2017, the Govern d'Andorra (Government of the Principality of Andorra) filed an application for registration of an EU trade mark with the European Union Intellectual Property Office (EUIPO), pursuant to the EU Trade Mark Regulation¹ for the following figurative sign and relating to a broad range of goods and services:²

Andorra

The application for registration was rejected by EUIPO in February 2018. That rejection was confirmed by a decision of 26 August 2019. EUIPO considered, *inter alia*, that the sign would be perceived as designating the geographical origin of the goods and services in question, or as the place where those services would be provided. Moreover, it considered that the sign ANDORRA was devoid of any distinctive character, since it only informs consumers of that geographical origin, and not of the specific commercial origin of the goods and services covered.

The Govern d'Andorra brought an action against the EUIPO decision before the General Court of the European Union.

In today's judgment, **the Court dismisses the action in its entirety**.

The Govern d'Andorra claims, *inter alia*, that Andorra is not known as a country that produces the goods or provides the services at issue, such that there is no actual or potential relationship for the consumer between the goods and services in question and the trade mark applied for which would allow the term 'andorra' to be regarded as indicating a geographical origin within the meaning of the Regulation.

The Court then examines the descriptive character of the mark applied for in relation to the goods and services at issue. In order to do so, it is required to determine, first, whether the geographical term constituting the mark applied for is understood as such and known by the relevant public and, secondly, whether that geographical term is or may in the future be associated with the goods and services covered by the application.

After a detailed examination, the Court concludes that **the Govern d'Andorra did not succeed in challenging EUIPO's assessment of the descriptive character of the mark applied for in relation to the goods and services in question and that EUIPO was correct to consider that**

¹ Council Regulation (EC) No 207/2009 of 26 February 2009 on the European Union trade mark (OJ 2009 L 78, p. 1), as amended, itself replaced by Regulation (EU) 2017/1001 of the European Parliament and of the Council of 14 June 2017 on the European Union trade mark (OJ 2017 L 154, p. 1).

² Namely photography; tobacco; financial affairs, monetary affairs, real estate affairs; travel services; education, training, entertainment, sporting and cultural activities, electronic publishing services, publication of books, publication of texts, other than publicity texts, online electronic publishing of books and periodicals, providing online electronic publications, not downloadable, and beauty care.

the mark could not, therefore, be registered as an EU trade mark. That is an **absolute ground for refusal which in itself justifies a refusal to register the sign as an EU trade mark.**

The Court also considers that, in its decision, EUIPO did not fail to fulfil its obligation to state reasons or infringe the right of defence or the principles of legal certainty, equal treatment and good administration.

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

NOTE: An action for annulment seeks the annulment of acts of the institutions of the European Union that are contrary to European Union 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: An appeal, limited to points of law only, may be brought before the Court of Justice against the decision of the General Court within 2 months and 10 days of notification of the decision. The appeal will not proceed unless the Court first decides that it should be allowed to do so. Accordingly, it must be accompanied by a request that the appeal be allowed to proceed, setting out the issue(s) raised by the appeal that is/are significant with respect to the unity, consistency or development of EU law.

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The [full text](#) of the judgment is published on the CURIA website on the day of delivery

Press contact: Jacques René Zammit ☎ (+352) 4303 3355