

DECISION
of the Fourth Board of Appeal
of 16 February 2023

In case R 1917/2022-4

Eat Just, Inc.

2000 Folsom Street
94110 San Francisco, California,
United States

Applicant / Appellant

represented by KNPZ Rechtsanwälte – Klawitter Neben Plath Zintler –
Partnerschaftsgesellschaft mbB, Kaiser-Wilhelm-Str. 9, 20355 Hamburg, Germany

APPEAL relating to European Union trade mark application No 18 487 478

THE FOURTH BOARD OF APPEAL

composed of N. Korjus (Chairperson and Rapporteur), L. Marijnissen (Member) and
C. Govers (Member)

Registrar: H. Dijkema

gives the following

Decision

Summary of the facts

- 1 By an application filed on 8 June 2021, Eat Just, Inc. ('the applicant'), claiming the priority of trade mark No 90 682 275 with a filing date of 29 April 2021, sought to register the figurative mark



as a European Union trade mark for the following goods:


Class 29: Vegetable-based spreads; egg substitute; vegetable-based egg substitute; protein-enriched vegan food substitutes; prepared and frozen vegetable patties made from fresh vegetables.

- 2 On 14 July 2021, the examiner raised an objection pursuant to Article 7(1)(g) and Article 7(2) EUTMR since the sign was likely to deceive consumers when used in relation to the goods for which protection is sought. The examiner reasoned as follows:
 - This expression would be understood by the relevant English-speaking consumer as having the meaning: merely/only egg (of the domestic hen used as food).
 - The abovementioned meaning is supported by the following dictionary references:
 - JUST 'no more than; merely; only.'
 - EGG 'the egg of the domestic hen used as food.'

(Collins English Dictionary).
 - The sign would be deceptive when used in connection with the contested goods, indicating that these goods are eggs or are made only of eggs of a domestic hen, whereas those goods cannot in reality have these characteristics.
 - The goods applied for may be sold in packaging similar to that used for eggs or egg-based products.
 - Foodstuffs are often bought rather hastily, and it is likely that many consumers will choose these goods from the shelf in the erroneous belief that they are egg products.
 - The verbal elements remain clearly legible and will be readily understood as 'JUST Egg'. Neither the arrangement of the word elements nor the rectangle

surrounding them is sufficient to distract the consumer's attention from the deceptive message of the mark.

3 On 16 August 2021, the applicant submitted its observations in reply, which can be summarised as follows:

- Non-deceptive use is possible.
- The goods are aimed especially at the vegan and vegetarian English-speaking public. They target those sections of the public that are particularly concerned with healthy, environmentally friendly and fair nutrition. Veganism in particular is often practised for health reasons. The level of attention is heightened for this reason, as supported by research which illustrates that most vegans pay attention to certificates and packaging. They examine ingredients carefully before purchase, and many support use of the term 'milk' for substitutes, including plant-based milk products. Their understanding is sharpened by context.
- Even assuming that the term 'JUST' is discernible as configured in the sign, the combination 'JUST Egg' constitutes an innovative term.
- The second meaning of 'just', namely 'acting or being in conformity with what is morally upright or good' (<https://www.merriam-webster.com/dictionary/just>) or 'If you describe a situation, action, or idea as just, you mean that it is right or acceptable according to particular moral principles, such as respect for all human beings' (<https://www.collinsdictionary.com/dictionary/english/just>), one of the synonyms of which is 'fair' (<https://www.collinsdictionary.com/dictionary/english/just>) is applicable.
- As the first part of a sign plays a greater role in the overall impression, emphasis is placed on 'JUST' as in 'fair'. The element 'Egg' will play a more incidental role. Accordingly, the consumer is not likely to be misled, particularly given the exponential and continuing rise in veganism, as illustrated.
- In the (given) context, the consumer will not resort to the interpretation chosen by the Office, but to the second meaning. Consequently, no actual deceit or sufficiently serious risk of deceit applies to 'JUST Egg'.
- The consumer is confronted with fairly produced food on a daily basis through advertising. In this context, 'just' (as in 'fair') is a regularly used term, illustrated by search engine results obtained for 'Just foods', the name of the applicant itself, and the slogans of other vegetarian and vegan brands, such as the following:
 - JUST VEGAN (Spanish registration No 425 590; registered on 23 February 2021) with protection in Class 29 inter alia for eggs, vegan foods, foods without animal product.
 -  (German registration No 302 020 021 834; registered on 19 November 2020) with protection in Class 29 inter alia for cooked fruits

and vegetables, eggs. A preliminary search has shown use for vegan meat substitutes.



- (UK, registration No 3 202 530; registered on 10 March 2017) with protection in Class 29 inter alia for preserved vegetables, purees. A preliminary usage search has shown use for responsibly sourced, natural ingredients.



- (International Registration, registration No 1 208 384; registered on 24 April 2014) with protection in Class 29 inter alia for cooked fruits and vegetables, eggs. A preliminary usage search has shown use for vegan meat substitutes.
- The relevant consumer will perceive a ‘JUST Egg’ in terms of a unique, self-contained entity. Furthermore, the consumer will not associate a ‘JUST Egg’ with mass-produced eggs which are not produced fairly, are located at the ‘bottom of the food chain’ and constitute mere ‘ingredients’, for example in baking.
 - The ‘JUST Egg’ entity will therefore be perceived as a fairly produced plant-based egg, surprising the consumer with its novel and creative approach, enhanced by the rectangular surround.
 - As shown, the consumer targeted by the goods in question will show a heightened degree of attention, and a mentally sharpened understanding of irony, sarcasm and humour. Veganism is a chosen lifestyle with a political message, which is regularly transmitted by these means, as illustrated by the Scandinavian oat milk producer ‘Oatly’, whose trade mark ‘it’s like milk but made for humans’ was not considered or deemed deceptive, the ‘but’ creating a humorous ‘counterpoint’. Oatly deliberately uses such stylistic devices. ‘The company’s knowing, ironic, idealistic branding has seen it embraced by a so-called “post-milk generation” who see it as a catalyst for change’, according to its CEO.
 - The same applies to the idea behind ‘JUST Egg’, as can be seen from the slogan imprinted on most products: ‘Made from plants (not chickens)’, which makes an ironic statement, given the disastrous conditions of mass-produced chickens (as criticised by the applicant itself), by linking the mere natural, plant-based production of eggs to the slaughtering of chickens. Market reality shows that the ironic/humorous message is perceived as intended, exemplified by a current headline ‘These Easter eggs don’t come in a shell’, which humorously illustrates that ‘JUST Egg’ products are not animal, but plant-based eggs.
 - The assumption that the goods are sold in similar packaging as eggs or egg-based products does not apply. The opposite is the case as shown by the imaginative packaging deployed, which may be seen on the applicant’s website and in stores. The bottles used, for instance, strongly resemble typical

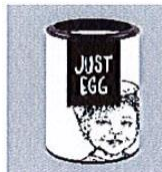
‘drinking bottles’, not classic cartons used for traditional eggs and not at all classic (typically grey) egg cartons. The natural eggshell is replaced by the liquid-containing plastic wall as shown in the image below.



- The applicant has previous comparable registrations for inter alia egg substitutes, as seen below.



- (EUTM No 17 900 316; registered on 19 September 2018),
Class 29



- (EUTM No 18 023 568; registered on 18 June 2019),
Class 29 for inter alia egg substitutes.

4 On 4 August 2022, the examiner took a decision (‘the contested decision’) entirely refusing the trade mark applied for under Article 7(1)(g) and Article 7(2) EUTMR. The decision was based on the following main findings:

- The Office disagrees with the applicant that the case-law regarding food supplements and pharmaceuticals would be analogous to the current case, where the goods are foodstuffs often bought rather hastily. Hence, it is unlikely that the reasonably attentive average consumer will stop to analyse the alleged humorous and political message of the sign.
- There might be an increased awareness with regard to consumption of eggs and egg products by a certain group of people, but the Office is not convinced that such an increased awareness among certain consumers extends more generally.
- Even if the applicant’s products are aimed at vegans and vegetarians, they are not the only consumers who might be interested in buying the goods or who might come across them e.g. in a supermarket. The relevant public therefore includes consumers who simply read the text ‘just egg’ on the package and assume that they are buying eggs or products made of egg.
- The Board of Appeal has confirmed that *plant-based egg substitute; liquid egg substitute; plant-based processed food* in Class 29 are directed at the public at large, displaying a level of attention which is average (14/02/2022,

R 1425/2021-5, Just egg, § 20, 22). This view should extend to the goods which are applied for in this case too.

- As regards the meaning of the word ‘just’ in the sign, for the English-speaking consumer the sign would clearly be deceptive when used in connection with the contested goods, as it indicates that the goods are eggs or are made only of hen’s eggs. It is likely that many consumers will choose these goods in the erroneous belief that they are egg products.
- The verbal elements are clearly legible despite the arrangement and will be readily understood. Neither the arrangement of the word elements nor the rectangle surrounding them is sufficient to distract the consumer’s attention from the deceptive message of the mark. Therefore, there is a sufficiently serious risk that the relevant public would be deceived as regards the kind of the goods applied for.
- Furthermore, even if the sign would be perceived as meaning ‘fair egg’, a risk would exist that the consumers would believe that they are buying fairly produced egg products. According to the applicant this is unlikely, since eggs are typically not produced fairly. However, since there are many different ways of classifying eggs, e.g. organic and free-range production being classified as more ethical than caged production, the applicant’s view is not convincing.
- The applicant submits that the sign will be perceived as ‘fairly produced plant-based egg’. If this approach with a broader definition of the word ‘egg’ were to be taken, the sign could be seen as descriptive of the claimed goods.
- The registrations in Spain, Germany and the UK do not reflect how the word ‘just’ is perceived by the consumers in the English-speaking countries of the EU.
- The name of the applicant is not included in the sign, and will not be perceived. Offering consumers the opportunity to check the label of the product does not preclude the mark from being misleading.
- Regarding the argument that the second element ‘Egg’ will play a more incidental role, the case-law cited by the applicant relates to assessing similarity of the signs and not to absolute grounds of refusal.
- Given the meaning of the contested sign, consumers will erroneously assume that the *vegetable-based spreads, vegan food substitutes and prepared and frozen vegetable patties made from fresh vegetables* are based on eggs (of domestic hens) and not on vegetables.
- If the consumers see a product with the indication ‘JUST Egg’ on the shelf in a grocery store, they will immediately assume that this product is an egg product and not an egg-free alternative.
- Furthermore, as regards the meaning of the word ‘just’ in the sign, once the existence of actual deceit or a sufficiently serious risk that the consumer will be deceived has been established, it becomes irrelevant that the mark applied for might also be perceived in a way that is not misleading. Indeed, the sign is

of such a nature as to deceive the public and is therefore unable to fulfil its role, which is to guarantee the origin of the goods to which it refers.

- The simple geometric shape surrounding the verbal element could also be perceived as a basic, rectangular label, commonly used in marketing, which would not convey harmony and fairness such as would affect the perception of the verbal element ‘JUST’. In any event, the sign would be deceptive even if it would be perceived as meaning ‘fair egg’.
 - The packaging of egg substitutes can resemble that of egg packages, and there are liquid egg products that are sold in bottles. Hence, the claimed goods may very well be sold in similar packaging to that of egg products and cannot be distinguished solely by means of their packaging, which varies. Furthermore, the style of the applicant’s packaging is not decisive when assessing the risk of deceptiveness, since it may change over time.
 - The prior registrations cited reflect practice which has since evolved, or are not directly comparable, since the goods are different.
- 5 On 29 September 2022, the applicant filed an appeal against the contested decision, requesting that the decision be entirely set aside. The statement of grounds of the appeal was received on 5 December 2022.

Grounds of appeal

- 6 In its statement of grounds, the applicant reiterates the arguments summarised in paragraph 3 above, and submits that:
- The examiner erroneously assumed the company name Eat Just, Inc. to be irrelevant to the meaning inferred from the verbal element ‘JUST’ within the contested sign, since the consumer would not see the company name in connection with it. Firstly, the register clearly indicates the name of the owner of the application. Secondly, the business name and address of the food operator must appear on each product, in accordance with Article 9(1)(h) of Regulation (EU) No 1169/2011 on the provision of food information to consumers, of 25 October 2011. Consequently, consumers will always be confronted with both the company name Eat Just, Inc. and the sign.
 - The applicant is committed to providing innovative food products that are sustainable and protect the environment’s resources. It actively promotes its products with the understanding of fair food, as illustrated by this extract from its website:

We believe in seeing the world differently. The egg is the world's most eaten animal protein, so we reimagined it. Because when we realize a plant is an egg, we eat healthier, our planet becomes healthier, and our breakfast rituals take on even more meaning.

It starts with a small bean and some healthy soil. Then, the bean becomes an egg that scrambles in a pan or folds into an omelet. It leaves wild spaces wild, reduces air and ocean pollution, and builds muscle in our bodies without a milligram of cholesterol.

A better egg

For you and for the planet. JUST Egg has zero cholesterol and less saturated fat than conventional eggs, with a similar amount of protein. Its ingredients require less land, water and carbon emissions to make; in fact it's one of the most sustainable protein sources available. To both preserve our planet and provide nutritious food for everyone for generations to come, we're rethinking the food we eat and how we make it.

available at <https://www.ju.st/>, extracted on 1 November 2021.

- Even if the understanding of ‘JUST Egg’ maintained in the contested decision was applicable, it would only concern the *plant-based egg substitute; liquid egg substitute* in Class 29. The term ‘egg’ is not even mentioned for *plant-based processed food*, also in Class 29, of which ‘processed food’ is a broad term, which includes all possible kinds of ingredients. There can be no deceit for *plant-based processed food*.

Reasons

- 7 All references made in this decision should be seen as references to the EUTMR (EU) No 2017/1001 (OJ 2017 L 154, p. 1), codifying Regulation (EC) No 207/2009 as amended, unless specifically stated otherwise in this decision.
- 8 The appeal complies with Articles 66, 67 and Article 68(1) EUTMR. It is admissible.

Article 7(1)(g) EUTMR

- 9 Under Article 7(1)(g) EUTMR, trade marks which are of such a nature as to deceive the public, for instance as to the nature, quality or geographical origin of the goods or service, shall not be registered.
- 10 According to settled case-law, the circumstances for refusing registration referred to in Article 7(1)(g) EUTMR presuppose the existence of actual deceit or a sufficiently serious risk that the consumer will be deceived. The essential function of a trade mark is to guarantee the identity of origin of the marked goods or services to the consumer or end user by enabling them, without any possibility of confusion, to distinguish the goods or services from others which have another origin. For the trade mark to be able to fulfil its essential role in the system of undistorted competition which the Treaty seeks to establish and maintain, it must offer a guarantee that all the goods or services bearing it have been manufactured or supplied under the control of a single undertaking which is responsible for their quality. However, a mark loses that role where the information it contains is of

such a nature as to deceive the public (05/05/2011, T-41/10, *esf école du ski français* (fig.), EU:T:2011:200, § 49, 50 and the case-law cited).

- 11 It follows from the foregoing that, once the existence of actual deceit or a sufficiently serious risk that the consumer will be deceived has been established, it becomes irrelevant that the mark applied for might also be perceived in a way that is not misleading. Indeed, the mark is in any case of such a nature as to deceive the public and is therefore unable to fulfil its role, which is to guarantee the origin of the goods and services to which it refers. Thus, Article 7(1)(g) EUTMR may apply albeit a non-deceptive use of the mark at issue is nevertheless possible (27/10/2016, T-29/16, *CAFFÈ NERO*, EU:T:2016:635, § 48, 49).
- 12 The mark is assessed against the goods and services for which registration is sought and in accordance with the understanding of the relevant consumer (05/05/2011, T-41/10, *esf école du ski français* (fig.), EU:T:2011:200, § 51).

Relevant public

- 13 The specified goods in Class 29 are foodstuffs which are mainly aimed at the general public, whose level of attention is not assumed to be higher than average. There may well be an increased awareness with regard to the consumption of certain foods, but it cannot yet be assumed that increasingly heightened awareness about ingredients and production practices among consumers extends more generally to the public at large.
- 14 The applicant's products, albeit aimed primarily at vegans and vegetarians, who are likely to be very conscious of the sourcing and content of such products, are not the only consumers who might be interested in buying the goods or who might be exposed to them e.g. in a supermarket as indicated in the contested decision.
- 15 In any event, the Board considers that even a higher level of attention would not lead to an altered perception of the clear meaning of an expression *in concreto*. Furthermore, as is apparent from well-established case-law, the level of attention of the relevant public may be relatively low when it comes to promotional indications, whether addressed to average end consumers (17/11/2009, T-473/08, *Thinking ahead*, EU:T:2009:442, § 33; 25/03/2014, T-291/12, *Passion to Perform*, EU:T:2014:155, § 32) or a more attentive public made up of specialists or circumspect consumers (05/12/2002, T-130/01, *Real People, Real Solutions*, EU:T:2002:301, § 24; 03/07/2003, T-122/01, *Best Buy*, EU:T:2003:183, § 25; 15/09/2005, T-320/03, *Live richly*, EU:T:2005:325, § 74), even if the goods and services for which protection is sought usually require a higher level of attention (15/09/2005, T-320/03, *Live richly*, EU:T:2005:325, § 73, 74; 25/03/2014, T-291/12, *Passion to Perform*, EU:T:2014:155, § 33; 29/01/2015, T-59/14, *INVESTING FOR A NEW WORLD*, EU:T:2015:56, § 27).
- 16 The sign at issue is made up of English words. Consequently, under Article 7(2) EUTMR, the relevant public, by reference to whom the absolute ground for refusal must be assessed, is the English-speaking public of the European Union (03/12/2015, T-647/14, *DUALSAW*, EU:T:2015:932, § 21). In addition to Ireland and Malta, that public consists of those Member States in which, at the very least, English is widely understood, in particular, Denmark, Cyprus, the Netherlands, Finland and Sweden (26/11/2008, T-435/07, *New Look*, EU:T:2008:534, § 20, 23; 09/12/2010, T-307/09, *Naturally active*, EU:T:2010:509, § 26; 29/09/2016,

T-337/15, RESCUE, EU:T:2016:578, § 59; 14/05/2019, T-465/18, EUROLAMP pioneers in new technology, EU:T:2019:327, § 27; 20/01/2021, T-253/20, IT'S LIKE MILK BUT MADE FOR HUMANS, EU:T:2021:21, § 35).

The perception of the sign in relation to the goods

- 17 The sign is made up of the verbal elements 'JUST' and 'egg', set against a plain, rectangular background. Although the first verbal element appears as the letters 'JU', placed above the letters 'ST', it is easy to read from the top down. All of the verbal elements are clearly discernible.
- 18 According to the examiner, the expression would be understood by the relevant English-speaking consumer as having the meaning: merely/only egg (of the domestic hen used as food), by reference to dictionary definitions of each of the words (see paragraph 2 above).
- 19 The applicant does not dispute the definitions provided by the examiner or the meanings attributed to them per se. However, the applicant submits that it is far-fetched to believe that the expression will be perceived as an indication that the goods are, or consist of, merely eggs, or egg products, when a different intended meaning is capable of being perceived.
- 20 In this regard, the applicant maintains that the word 'just' will be understood in the sense of being 'fair' or acceptable, and that the knowing, politicised, socially aware consumer of the Class 29 goods in question, who is well-versed in irony and other advertising techniques, will perceive it as a reference to the right-minded production of the goods, which lead to a 'just egg' i.e. one that is plant-based.
- 21 The Board considers that the vast majority of the relevant public will not infer an ironic message in preference to a direct and literal one. Rather than characterising the process that led to the product, or personifying the 'egg' itself as being 'just', in the sense of being plant-based, it is more likely that consumers will perceive an indication that the products concerned simply contain (hen) egg. Moreover, such an understanding will be taken at face value, given that consumers are used to endorsements which promise that various foodstuffs contain nothing other than the food indicated. In the context of foodstuffs, the sign conveys a simple message that the products concerned are relatively pure in the sense of being free of additives or cheaper bulking ingredients. The sign indicates, informs and promises that the goods contain, or are based on, nothing other than hen's egg(s). The simple figurative aspect does nothing to divert attention from the message conveyed. The further examples given of logos which contain the word 'just' together with a word which is not 'egg', do not have a bearing on the present case.
- 22 While the expression 'like egg' could indicate that the products concerned constitute an alternative to egg products, the expression 'just egg' cannot.
- 23 The contested *vegetable-based spreads; egg substitute; vegetable-based egg substitute; protein-enriched vegan food substitutes; prepared and frozen vegetable patties made from fresh vegetables*, are all goods which do not contain egg or egg products. Vegetable-based products are from plants, while eggs are generally known to be from animals (at least for now). Vegan products cannot contain hen's egg or products based on hen's eggs. Accordingly, the examiner correctly found

that the expression conveyed by the sign as a whole is completely at odds with the specification, indicating characteristics which the goods cannot have.

- 24 Therefore, the sign is deceptive, as correctly found in the contested decision. Even if the particular packaging choices of an entity were relevant to the perception of the message conveyed, the Board notes that there is nothing about the packaging shown by the applicant which would indicate that the contents are not egg-based. Furthermore, identifying information about the applicant, which is contained in the register, is not available to the consumer at the point of purchase. Moreover, such identifying information on a product in accordance with law, will not be focused upon by the consumer, and may only be legible on close inspection in the event of an incident. As correctly emphasised by the examiner, the assessment lies in respect of the sign applied for, not including extraneous information.

Earlier registrations

- 25 Decisions concerning the registration of a sign as an EU trade mark which the Office is led to take under the EUTMR are adopted in the exercise of circumscribed powers and are not a matter of discretion. Accordingly, the legality of the Office's decisions must be assessed solely on the basis of that regulation, as interpreted by the EU Courts, and not on the basis of a previous decision-making practice (24/03/2021, T-168/20, Creatherm / Ceretherm, EU:T:2021:160, § 84 and the case-law cited). Furthermore, the Boards of Appeal cannot be bound by the decisions of lower-ranking adjudicating bodies of the Office (26/11/2015, T-181/14, Nordschleife / MANAGEMENT BY NORDSCHLEIFE, EU:T:2015:889, § 44; 29/09/2016, T-337/15, RESCUE, EU:T:2016:578, § 43).
- 26 In any event, many of the earlier registrations referred to by the applicant, contain either a different verbal or figurative element, or they regard different goods. Most of these registrations are therefore not comparable to the present application, as correctly reasoned at first instance, given that trade marks are assessed as a whole *in concreto*.
- 27 As for the prior registrations in other jurisdictions, it suffices to note that the European Union trade mark regime is an autonomous system with its own set of objectives and rules peculiar to it; it is self-sufficient and applies independently of any national system (05/12/2000, T-32/00, Electronica, EU:T:2000:283, § 47). Consequently, the registrability of a sign as a European Union trade mark must be assessed by reference only to the relevant EU rules. Accordingly, the Office is not bound by a decision given in a Member State or other country that the sign in question is registrable there as a national mark. That is so even if such a decision was adopted under the harmonised national legislation of a Member State of the European Union or in a country belonging to the linguistic area in which the word sign in question originated (15/09/2009, T-471/07, Tame it, EU:T:2009:328, § 35; 16/05/2013, T-356/11, Equipment, EU:T:2013:253, § 74 and the case-law cited).
- 28 Moreover, for reasons of legal certainty and, indeed, of sound administration, the examination of any trade mark application must be stringent and full, in order to prevent trade marks from being improperly registered. That examination must be undertaken in each individual case. The registration of a sign as a mark depends on specific criteria, which are applicable in the factual circumstances of the particular case and the purpose of which is to ascertain whether the sign at issue is caught by

a ground for refusal (10/03/2011, C-51/10 P, 1000, EU:C:2011:139, § 77), which is the case here for the reasons set out above.

- 29 Contrary to the applicant's arguments, it does not follow from the case-law, that the examiner or the Board of Appeal should give specific reasons why each of the previous registrations invoked have been registered. They have to give specific reasons why the present application cannot be registered. Moreover, as the Court of Justice held in its 'Volks.Handy' judgment (12/02/2009, C-39/08 & C-43/08, Volks.Handy, EU:C:2009:91, § 17), even if the competent authority must take into account the decisions already taken for similar applications and consider with especial care whether it should decide in the same way or not, it can in no case be bound by them.
- 30 In the present case, it has become apparent that, contrary to what may have been the position with regard to certain earlier marks, the present application is caught by at least one of the grounds for refusal set out in Article 7(1) EUTMR because of the nature of the goods for which registration is sought, and because of the way in which the sign would be perceived by the relevant class of persons (see, by analogy, 10/03/2011, C-51/10 P, 1000, EU:C:2011:139, § 78).

Conclusion

- 31 It follows from the foregoing, that the existence of actual deceit or a sufficiently serious risk that the consumer will be deceived has been established. It is therefore irrelevant that the mark applied for might also be perceived in a way that is not misleading. Indeed, the sign 'JUST Egg' is, on any view, of such a nature as to deceive the public and is therefore unable to fulfil its role as a trade mark, which is to guarantee the origin of the goods to which it refers and shall, pursuant to Article 7(1)(g) EUTMR, not be registered.
- 32 Consequently, the contested decision is confirmed, and the appeal is dismissed.

Order

On those grounds,

THE BOARD

hereby:

Dismisses the appeal.

Signed

N. Korjus

Signed

L. Marijnissen

Signed

C. Govers

Registrar:

Signed

p.o. N. Granada
Carpenter

