

## European Union

### “Aktiebolaget Östgötatrafiken”

Decision of the European Court of Justice (Tenth Chamber)  
8 October 2020 – Case No. C-456/19; ECLI:EU:C:2020:813

*Aktiebolaget Östgötatrafiken v. Patent- och  
registreringsverket*

Directive 2008/95/EC, Art. 3(1)(b)

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**Keywords** Distinctive character · Criteria for assessment · Application for registration · Sign in respect of a service · Coloured motifs · Relevant public

1. Article 3(1)(b) of Directive 2008/95/EC of the European Parliament and of the Council of 22 October 2008 to approximate the laws of the Member States relating to trade marks must be interpreted as meaning that the distinctive character of a sign for which registration as a trade mark in respect of a service is sought, which sign is composed of coloured motifs and which is intended to be affixed exclusively and systematically in a specific manner to a large part of the goods used for the provision of that service, must be assessed by taking into account the perception of the relevant public of the affixing of that sign to those goods, without it being necessary to examine whether that sign departs significantly from the norm or customs of the economic sector concerned.

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