

## European Union

### “Hauck v. Stokke”

**Decision of the European Court of Justice (Second Chamber)  
18 September 2014 – Case No. C-205/13**

*Hauck GmbH & Co. KG v. Stokke A/S, Stokke  
Nederland BV, Peter Opsvik and Peter Opsvik A/S*

**Directive 89/104/EEC, Art. 3(1)(e)**

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**Keywords** Refusal or invalidation of registration · Three-dimensional trade mark · Sign consisting exclusively of the shape which results from the nature of the goods · Sign consisting of the shape which gives substantial value to the goods

1. The first indent of Article 3(1)(e) of First Council Directive 89/104/EEC of 21 December 1988 to approximate the laws of the Member States relating to trade marks must be interpreted as meaning that the ground for refusal of registration set out in that provision may apply to a sign which consists exclusively of the shape of a product with one or more essential characteristics which are inherent to the generic function or functions of that product and which consumers may be looking for in the products of competitors.
2. The third indent of Article 3(1)(e) of Directive 89/104 must be interpreted as meaning that the ground for refusal of registration set out in that provision may apply to a sign which consists exclusively of the shape of a product with several characteristics each of which may give that product substantial value. The target public’s perception of the shape of that product is only one of the assessment criteria which may be used to determine whether that ground for refusal is applicable.
3. Article 3(1)(e) of Directive 89/104 must be interpreted as meaning that the grounds for refusal of registration set out in the first and third indents of that provision may not be applied in combination.

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Official headnotes.

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