

## Press release



### **"Vorsprung durch Technik": Taylor Wessing wins case for Audi before European Court of Justice**

8 February 2010

Taylor Wessing has gained full trademark protection for the Audi AG slogan "Vorsprung durch Technik" (progress through technology). On 30 January 2003 Audi AG had filed a Community trademark application for "Vorsprung durch Technik" for many goods and services from areas other than the automotive sector. The application was rejected by the first OHIM examiner and one board of appeal for the major part of the goods and services, and the rejection was confirmed by the European Court. As reason for the negative decision, it was stated that the addressed consumers would understand the application merely as an advertising slogan, not as a trademark.

Seven years after the filing date, the European Court of Justice clearly turned this argument down. The fact that a trademark may be perceived as an advertising slogan is not sufficient to conclude that the trademark lacks distinctiveness.

Contrary to its practice in the majority of rulings, the ECJ itself evaluated the distinctive character of the trademark "Vorsprung durch Technik". The court reached the conclusion that the statement is indeed eligible for protection for all of the claimed goods and services.

As a result of the ECJ's clear statement, it should be easier in future to obtain trademark protection for slogans. This is particularly beneficial to small and

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medium-sized businesses, which rarely have the funds to make their slogans as widely recognised for them to be registered on grounds of having acquired a reputation.

### **Background**

Taylor Wessing also acted for Audi in the proceeding before the European Court.

### **Taylor Wessing lead partner:**

Olaf Gillert IP / trademarks, Düsseldorf.

Taylor Wessing is a leading law firm in Europe providing legal support for commercial organisations. In Germany, Taylor Wessing has established offices in Berlin, Düsseldorf, Frankfurt, Hamburg and Munich. Further offices exist in Brussels, Cambridge, Dubai, London and Paris, as well as long-established representative offices in Alicante, Beijing and Shanghai. Through an alliance with BSJP Legal in Poland since 1 May 2009, Taylor Wessing also operates offices in Warsaw and five other Polish cities. In total, about 750 lawyers work for Taylor Wessing across the world.