



## Reports of Cases

### Judgment of the General Court (Fifth Chamber) of 31 January 2013 — K2 Sports Europe v OHIM — Karhu Sport Iberica (SPORT)

(Case T-54/12)

(Community trade mark — Opposition proceedings — Application for the Community figurative mark SPORT — Earlier national and international word marks K2 SPORTS — Relative ground for refusal — No similarity of the signs — Article 8(1)(b) of Regulation (EC) No 207/2009)

1. *Community trade mark — Definition and acquisition of the Community trade mark — Relative grounds for refusal — Opposition by the proprietor of an earlier identical or similar mark registered for identical or similar goods or services — Likelihood of confusion with the earlier mark — Assessment of the likelihood of confusion — Criteria (Council Regulation No 207/2009, Art. 8(1)(b)) (see paras 18, 21)*
2. *Community trade mark — Definition and acquisition of the Community trade mark — Relative grounds for refusal — Opposition by the proprietor of an earlier identical or similar mark registered for identical or similar goods or services — Likelihood of confusion with the earlier mark — Figurative mark SPORT and word marks K2 SPORTS (Council Regulation No 207/2009, Art. 8(1)(b)) (see paras 20, 28-51)*
3. *Community trade mark — Definition and acquisition of the Community trade mark — Relative grounds for refusal — Opposition by the proprietor of an earlier identical or similar mark registered for identical or similar goods or services — Similarity of the marks concerned — Criteria for assessment — Complex mark (Council Regulation No 207/2009, Art. 8(1)(b)) (see paras 22, 23)*
4. *Community trade mark — Definition and acquisition of the Community trade mark — Relative grounds for refusal — Opposition by the proprietor of an earlier identical or similar mark registered for identical or similar goods or services — Similarity of the marks concerned — Elements of a trade mark having a descriptive character (Council Regulation No 207/2009, Art. 8(1)(b)) (see para. 24)*

**Re:**

ACTION brought against the decision of the Fourth Board of Appeal of OHIM of 29 November 2011 (Case R 986/2010-4), concerning opposition proceedings between K2 Sports Europe GmbH and Karhu Sport Iberica, SL.

**Operative part**

The Court:

1. Dismisses the action;
2. Orders K2 Sports Europe GmbH to pay the costs.