

Reports of Cases

Judgment of the General Court (Fourth Chamber) of 28 November 2013 — Vitaminaqua v OHIM — Energy Brands (vitaminaqua)

(Case T-410/12)

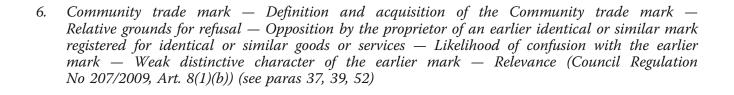
(Community trade mark — Opposition proceedings — Application for the Community figurative mark vitaminaqua — Earlier national word marks VITAMINWATER — Earlier Community figurative mark GLACEAU vitamin water — Likelihood of confusion — Article 8(1)(b) of Regulation (EC) No 207/2009)

- 1. Community trade mark Appeals procedure Action before the EU judicature Jurisdiction of the General Court Power to issue directions None (Council Regulation No 207/2009, Art. 65(6)) (see para. 16)
- 2. Community trade mark Appeals procedure Action before the EU judicature Jurisdiction of the General Court Amendment of a decision by the Office Assessment having regard to the competences conferred on the Board of Appeal (Council Regulation No 207/2009, Art. 65(3)) (see para. 17)
- 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 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 24, 25, 42)
- 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 Likelihood of confusion with the earlier mark Similarity of the marks concerned Criteria for assessment (Council Regulation No 207/2009, Art. 8(1)(b)) (see paras 26, 27, 46, 73)
- 5. 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 vitaminaqua Word mark VITAMINWATER and figurative mark GLACEAU vitamin water (Council Regulation No 207/2009, Art. 8(1)(b)) (see paras 29, 30, 43, 60, 61, 65-70, 82-84)

EN

ECLI:EU:T:2013:615

INFORMATION ON UNPUBLISHED DECISIONS



Re:

ACTION brought against the decision of the First Board of Appeal of OHIM of 26 June 2012 (Case R 997/2011-1) relating to opposition proceedings between Energy Brands Inc. and Vitaminaqua Ltd.

Operative part

The Court:

- 1. Dismisses the action;
- 2. Orders Vitaminaqua Ltd to pay the costs.

2 ECLI:EU:T:2013:615