



Reports of Cases

Judgment of the General Court (Third Chamber) of 12 February 2014 — **dm-drogerie markt v OHIM — Semtee (CALDEA)**

(Case T-26/13)

(Community trade mark — Opposition proceedings — Application for the Community word mark CALDEA — Earlier international word mark BALEA — Relative ground for refusal — No likelihood of confusion — No similarity between 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 — Criteria for assessment (Council Regulation No 207/2009, Art. 8(1)(b)) (see paras 15, 16, 23)*
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 — Word marks CALDEA and BALEA (Council Regulation No 207/2009, Art. 8(1)(b)) (see paras 21, 24, 25, 28, 52, 53, 55)*
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 (Council Regulation No 207/2009, Art. 8(1)(b)) (see para. 29)*

Re:

ACTION brought against the decision of the First Board of Appeal of OHIM of 10 October 2012 (Case R 2432/2011-1), relating to opposition proceedings between dm-drogerie markt GmbH & Co. KG and Semtee.

Operative part

The Court:

1. Dismisses the action;
2. Orders dm-drogerie markt GmbH & Co. KG to pay the costs.