



Reports of Cases

Judgment of the General Court (Fifth Chamber) of 16 November 2017 – Mapei v EUIPO – Steenfabrieken Vandersanden (zerø)

(Case T-722/16)

(EU trademark — Opposition proceedings — Application for the EU figurative mark zerø — Earlier EU word mark ZERO — Relative ground for refusal — Likelihood of confusion — Article 8(1)(b) of Regulation (EC) No 207/2009 (now Article 8(1)(b) of Regulation (EU) 2017/1001))

1. *EU trade mark – Appeals procedure – Action before the EU judicature – Jurisdiction of the General Court – Review of the lawfulness of decisions of the Boards of Appeal*

(Council Regulation No 207/2009, Art. 65(3))

(see para. 14)

2. *EU trade mark – Definition and acquisition of the EU 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 17, 49)

3. *EU trade mark – Definition and acquisition of the EU 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 between the goods or services in question – Criteria for assessment*

(Council Regulation No 207/2009, Art. 8(1)(b))

(see para. 21)

4. *EU trade mark – Definition and acquisition of the EU 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 zerø and word mark ZERO*

(Council Regulation No 207/2009, Art. 8(1)(b))

(see paras 24-28, 35, 36, 40, 41, 45-48, 50)

5. *EU trade mark – Definition and acquisition of the EU 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 – Composite mark*

(Council Regulation No 207/2009, Art. 8(1)(b))

(see paras 29, 30)

Re:

ACTION brought against the decision of the First Board of Appeal of EUIPO of 21 July 2016 (Case R 2371/2015-1), relating to opposition proceedings between Steenfabrieken Vandersanden and Mapei.

Operative part

The Court:

1. Dismisses the action;
2. Orders Mapei SpA to pay the costs.