

**Judgment of the General Court of 29 September 2011 — Procter & Gamble Manufacturing Cologne v OHIM — Natura Cosméticos (NATURAVIVA)**

(Case T-107/10) <sup>(1)</sup>

**(Community trade mark — Opposition proceedings — Application for Community word mark NATURAVIVA — Earlier Community word mark VIVA — Relative ground for refusal — No likelihood of confusion — Article 8(1)(b) of Regulation No 207/2009 — No similarity of the signs)**

(2011/C 331/34)

Language of the case: English

**Parties**

**Applicant:** Procter & Gamble Manufacturing Cologne GmbH (Cologne, Germany) (represented by: K. Sandberg, lawyer)

**Defendant:** Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by: P. Geroulakos, acting as Agent)

**Other party to the proceedings before the Board of Appeal of OHIM, intervener before the General Court:** Natura Cosméticos, SA (São Paulo, Brazil) (represented by: C. Bercial Arias, lawyer)

**Re:**

Action brought against the decision of the Second Board of Appeal of OHIM of 23 November 2009 (Case R 1558/2008-2) concerning opposition proceedings between Procter & Gamble Manufacturing Cologne GmbH and Natura Cosméticos, SA.

**Operative part of the judgment**

The Court:

1. Dismisses the action;
2. Orders Procter & Gamble Manufacturing Cologne GmbH to pay the costs.

<sup>(1)</sup> OJ C 134, 22.5.2010.

**Judgment of the General Court of 29 September 2011 — Telefónica O2 Germany v OHIM — Loopia (LOOPIA)**

(Case T-150/10) <sup>(1)</sup>

**(Community trade mark — Opposition proceedings — Application for Community word mark LOOPIA — Earlier Community word marks LOOP and LOOPY — Relative ground for refusal — Likelihood of confusion — Article 8(1)(b) of Regulation (EC) No 207/2009)**

(2011/C 331/35)

Language of the case: English

**Parties**

**Applicant:** Telefónica O2 Germany GmbH & Co. OHG (Munich, Germany) (represented by: A. Fottner and M. Müller, lawyers)

**Defendant:** Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by: R. Pethke, Agent)

**Other party to the proceedings before the Board of Appeal of OHIM, intervener before the General Court:** Loopia AB (Västerås, Sweden) (represented by: P. Håkon-Schmidt and N. Ringen, lawyers)

**Re:**

Action brought against the decision of the First Board of Appeal of OHIM of 12 January 2010 (Case R 1812/2008-1), concerning opposition proceedings between Telefónica O2 Germany GmbH & Co. OHG and Loopia AB.

**Operative part of the judgment**

The Court:

1. Annuls the decision of the First Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM) of 12 January 2010 (Case R 1812/2008-1);
2. Orders OHIM to bear its own costs and to pay the costs of Telefónica O2 Germany GmbH & Co. OHG;
3. Orders OHIM to pay the costs necessarily incurred by Telefónica O2 Germany for the purposes of the proceedings before the First Board of Appeal of OHIM;
4. Orders Loopia AB to bear its own costs.

<sup>(1)</sup> OJ C 148, 5.6.2010.

**Judgment of the General Court of 28 September 2011 — Nike International v OHIM — Deichmann (VICTORY RED)**

(Case T-356/10) <sup>(1)</sup>

**(Community trade mark — Opposition proceedings — Application for registration of the Community word mark VICTORY RED — Earlier international and national word marks Victory — Relative ground for refusal — Likelihood of confusion — Similarity of the signs — Article 8(1)(b) of Regulation (EC) No 207/2009)**

(2011/C 331/36)

Language of the case: English

**Parties**

**Applicant:** Nike International Ltd (Beaverton, Oregon, United States) (represented by: M. de Justo Bailey, lawyer)

**Defendant:** Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by: D. Botis, Agent)

**Other party to the proceedings before the Board of Appeal of OHIM:** Deichmann SE (Essen, Germany)

**Re:**

Action brought against the decision of the Second Board of Appeal of OHIM of 18 May 2010 (Case R 1309/2009-2) concerning opposition proceedings between Deichmann SE and Nike International Ltd.