

**Judgment of the General Court of 5 May 2011 —
CheapFlights International v OHIM — Cheapflights
(Cheapflights)**

(Case T-460/09) ⁽¹⁾

(Community trade mark — Opposition proceedings — Application for the Community figurative mark Cheapflights — Earlier national figurative mark CheapFlights — Relative ground for refusal — Likelihood of confusion — Similarity of the signs — Article 8(1)(b) of Regulation (EC) No 207/2009)

(2011/C 186/40)

Language of the case: English

Parties

Applicant: CheapFlights International Ltd (Ballybofey, Ireland) (represented by: A. von Mühlendahl and H. Hartwig, lawyers)

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

Other party to the proceedings before the Board of Appeal of OHIM, intervener before the General Court: Cheapflights Ltd (London, United Kingdom) (represented by: M. Edenborough, QC)

Re:

Action brought against the decision of the Fourth Board of Appeal of OHIM of 31 August 2009 (Case R 1356/2007-4), relating to opposition proceedings between CheapFlights International Ltd and Cheapflights Ltd

Operative part of the judgment

The Court:

1. Annuls the decision of the Fourth Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM) of 31 August 2009 (Case R 1356/2007-4);
2. Dismisses the action as to the remainder;
3. Orders OHIM and Cheapflights Ltd to pay the costs including those incurred by CheapFlights International Ltd in the proceedings before the Board of Appeal.

⁽¹⁾ OJ C 24, 30.1.2010.

**Judgment of the General Court of 5 May 2011 —
CheapFlights International v OHIM — Cheapflights
(Cheapflights with a black aeroplane)**

(Case T-461/09) ⁽¹⁾

(Community trade mark — Opposition proceedings — Application for the Community figurative mark Cheapflights with a black aeroplane — Earlier international figurative mark CheapFlights — Relative ground for refusal — Likelihood of confusion — Similarity of the signs — Article 8(1)(b) of Regulation (EC) No 207/2009)

(2011/C 186/41)

Language of the case: English

Parties

Applicant: CheapFlights International Ltd (Ballybofey, Ireland) (represented by: A. von Mühlendahl and H. Hartwig, lawyers)

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

Other party to the proceedings before the Board of Appeal of OHIM, intervener before the General Court: Cheapflights Ltd (London, United Kingdom) (represented by: M. Edenborough, QC)

Re:

Action brought against the decision of the Fourth Board of Appeal of OHIM of 31 August 2009 (Case R 1607/2007-4), relating to opposition proceedings between CheapFlights International Ltd and Cheapflights Ltd

Operative part of the judgment

The Court:

1. Annuls the decision of the Fourth Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM) of 31 August 2009 (Case R 1607/2007-4);
2. Dismisses the action as to the remainder;
3. Orders OHIM and Cheapflights Ltd to pay the costs including those incurred by CheapFlights International Ltd in the proceedings before the Board of Appeal.

⁽¹⁾ OJ C 24, 30.1.2010.