

Information relating to the case

Applicant for the Community trade mark:	Micro Shaping Ltd
Community trade mark sought:	Figurative mark packaging for goods and services in Classes 16, 17 and 42 — Application No 6354311
Decision of the Opposition Division:	Registration partially refused
Decision of the Board of Appeal:	Appeal dismissed

Operative part

The Court:

1. Dismisses the action;
2. Orders Micro Shaping Ltd to pay the costs.

**Judgment of the General Court (First Chamber) of 8 September 2010 —
Icebreaker v OHIM — Gilmar (ICEBREAKER)**

(Case T-112/09)

(Community trade mark — Opposition proceedings — Application for Community word mark ICEBREAKER — Earlier national word mark ICEBERG — Relative ground for refusal — Likelihood of confusion — Partial refusal to register — Article 8(1)(b) of Regulation (EC) No 40/94 (now Article 8(1)(b) of Regulation (EC) No 207/2009)

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 (Council Regulation No 40/94, Art. 8(1)(b)) (see paras 22, 48)

Re:

ACTION brought against the decision of the Fourth Board of Appeal of OHIM of 15 January 2009 (Case R 1536/2007-4) relating to opposition proceedings between Gilmar SpA and Icebreaker Ltd.

Information relating to the case

Applicant for the Community trade mark:	Icebreaker Ltd
Community trade mark sought:	Word mark ICEBREAKER for goods in Classes 9, 24 and 25 — Application No 3205523
Proprietor of the mark or sign cited in the opposition proceedings:	Gilmar SpA
Mark or sign cited in opposition:	Italian trade mark registration of the word mark ICEBERG for goods in Class 25; international trade mark registration of the word mark ICEBERG for goods in Class 25; Spanish trade mark registration of the word mark ICEBERG for goods in Class 25; Italian trade mark registration of the word mark ICE for goods in Class 25; international trade mark registration of the word mark ICE for goods in Class 25

Decision of the Opposition Division:	Opposition partially upheld
Decision of the Board of Appeal:	Appeal dismissed

Operative part

The Court:

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

Judgment of the General Court (Eighth Chamber) of 8 September 2010 — Quinta do Portal v OHIM — Vallegre (PORTO ALEGRE)

(Case T-369/09)

(Community trade mark — Invalidity proceedings — Community word mark PORTO ALEGRE — Earlier national word mark VISTA ALEGRE — Relative grounds for refusal — Likelihood of confusion — Article 8(1)(b) and Article 53(1)(a) of Regulation (EC) No 207/2009)

Community trade mark — Surrender, revocation and invalidity — Relative grounds of invalidity — Registration contrary to Article 8(1)(b) of Regulation No 40/94 (Council Regulation No 207/2009, Art. 53(1)(a)) (see paras 19, 30)