Mark or sign cited in opposition:	Community word mark apetito, registered for goods in Classes 5, 11, 21 29, 30, 37, 39, 41 and 42
Decision of the Opposition Division:	Opposition upheld
Decision of the Board of Appeal:	Appeal dismissed

Operative part

The Court:

1.   Dismisses the action;

2.   Orders Bongrain SA to pay the costs.

**Judgment of the General Court (Eighth Chamber) of 5 May 2011 —
Olymp Bezner v OHIM — Bellido (Olymp)**

(Case T-203/09)

(Community trade mark — Invalidity proceedings — Community word mark
OLYMP — Earlier national figurative mark OLIMPO — Relative ground for
refusal — Likelihood of confusion — Similarity of the signs — Article 8(1)(b) and
Article 52(1)(a) of Regulation (EC) No 40/94 (now 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 — Existence of an identical or similar earlier trade mark registered for
identical or similar goods or services (Council Regulation No 40/94, Arts 8(1)(b)
and 52(1)(a)) (see paras 30, 60-62)*

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Re:

ACTION brought against the decision of the Second Board of Appeal of OHIM of 11 March 2009 (Case R 531/2008-2) relating to invalidity proceedings between Miguel Bellido SA and Olymp Bezner GmbH & Co. KG.

Information relating to the case

Registered Community trade mark of which cancellation sought:	Word mark Olymp for goods in Class 25 — Application No 1158328
Proprietor of the Community trade mark:	Olymp Bezner GmbH & Co. KG
Party requesting the declaration of invalidity of the Community trade mark:	Miguel Bellido, SA
Trade mark of the party seeking cancellation:	Spanish trade mark registration of the figurative mark OLIMPO for goods in Class 25
Decision of the Cancellation Division:	Community trade mark concerned declared invalid
Decision of the Board of Appeal:	Appeal dismissed

Operative part

The Court:

1.   Dismisses the action;

2.   Orders Olymp Bezner GmbH & Co. KG to pay the costs.