

**Judgment of the General Court (First Chamber) of 9 September 2011 —
Omnicare v OHIM — Astellas Pharma (OMNICARE CLINICAL RESEARCH)**

(Case T-289/09)

(Community trade mark — Opposition proceedings — Application for Community word mark OMNICARE CLINICAL RESEARCH — Earlier national figurative mark OMNICARE — Likelihood of confusion — Similarity of the signs — Similarity of the services — Genuine use of the earlier mark)

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 207/2009, Art. 8(1)(b)) (see para. 95)

Re:

ACTION against the decision of the Fourth Board of Appeal of OHIM of 14 May 2009 (Case R 401/2008-4), concerning opposition proceedings between Yamanouchi Pharma GmbH and Omnicare, Inc.

Operative part

The Court:

1. Dismisses the action;
2. Orders Omnicare, Inc. to pay the costs.