

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)*

**Re:**

ACTION brought against the decision of the First Board of Appeal of OHIM of 18 June 2009 (Case R 1012/2008-1) concerning invalidity proceedings between Vallegre, Vinhos do Porto, SA and Sociedade Quinta do Portal SA.

**Information relating to the case**

Registered Community trade mark of which cancellation sought:	Word mark PORTO ALEGRE for goods in Class 33
Proprietor of the Community trade mark:	Sociedade Quinta do Portal, SA
Party requesting the declaration of invalidity of the Community trade mark:	Vallegre, Vinhos do Porto, SA
Trade mark of the party seeking cancellation:	Earlier Portuguese word mark VISTA ALEGRE for goods in Class 33
Decision of the Cancellation Division:	Community word mark PORTO ALEGRE declared invalid
Decision of the Board of Appeal:	Appeal dismissed

**Operative part**

The Court:

1. Dismisses the action;
2. Orders Sociedade Quinta do Portal SA to pay the costs.