

**Judgment of the General Court of 16 September 2013 —
Avery Dennison v OHIM (AVERY DENNISON)**

(Case T-200/10) ⁽¹⁾

(Community trade mark — Opposition proceedings — Application for Community word mark AVERY DENNISON — Earlier national word mark DENNISON — Relative ground for refusal — Likelihood of confusion — Article 8(1)(b) of Regulation (EC) No 207/2009 — Genuine use of the earlier mark — Article 42(2) and (3) of Regulation No 207/2009 — Subject-matter of the dispute before the Board of Appeal)

(2013/C 336/33)

Language of the case: Spanish

Parties

Applicant: Avery Dennison Corp. (Pasadena, California, United States) (represented by: E. Armijo Chávarri, A. Castán Pérez-Gómez and A. Sanz Cerralbo, lawyers)

Defendant: Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by: J. Crespo Carrillo, Agent)

Other party to the proceedings before the Board of Appeal of OHIM: Dennison-Hesperia, SA (Torrejón de Ardoz, Spain) (represented by: L. Broschat García, lawyer)

Re:

Action brought against the decision of the Second Board of Appeal of OHIM of 9 February 2010 (Case R 798/2009-2), relating to opposition proceedings between Dennison-Hesperia, SA and Avery Dennison Corp.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Avery Dennison Corp. to pay the costs.

⁽¹⁾ OJ C 161, 19.6.2010.

**Judgment of the General Court of 16 September 2013 —
Knut IP Management v OHIM — Zoologischer Garten
Berlin (KNUT — DER EISBÄR)**

(Case T-250/10) ⁽¹⁾

(Community trade mark — Opposition proceedings — Application for Community word mark KNUT – DER EISBÄR — Earlier national word mark KNUD — Relative ground for refusal — Likelihood of confusion — Article 8(1)(b) of Regulation (EC) No 40/94 (now Article 8(1)(b) of Regulation (EC) No 207/2009)

(2013/C 336/34)

Language of the case: German

Parties

Applicant: Knut IP Management Ltd (London, United Kingdom) (represented: initially by C. Jaeckel, then by J. Steinberg, lawyers)

Defendant: Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by: G. Schneider, agent)

Other party to the proceedings before the Board of Appeal of OHIM, intervening before the General Court: Zoologischer Garten Berlin AG (Berlin, Germany) (represented by: J. Schulz and P. Vatankhah, lawyers)

Re:

Action brought against the decision of the First Board of Appeal of OHIM of 17 March 2010 (Case R 650/2009-1), relating to opposition proceedings between Zoologischer Garten Berlin AG and Knut IP Management Ltd.

Operative part of the judgment

The General Court:

1. Dismisses the action;
2. Orders Knut IP Management Ltd to pay the costs.

⁽¹⁾ OJ C 209, 31.7.2010.