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| Mark or sign cited in opposition:    | Earlier national and Community figurative marks space Ibiza, space DANCE BARCELONA, space DANCE MADRID, space DANCE VALENCIA, space DANCE MAL-LORCA, space DANCE EIVISSA, space SPACE IBIZA WORLD, space DANCE and earlier national word mark SPACE VIVA for goods and services in Classes 9, 25 and 41 |
| Decision of the Opposition Division: | Opposition dismissed  |
| Decision of the Board of Appeal:     | Appeal dismissed  |

### **Operative part**

The Court:

1. Dismisses the action;
2. Orders Space Beach Club, SA to pay the costs.

**Judgment of the General Court (Fifth Chamber) of 24 May 2011 —  
Longevity Health Products v OHIM — Tecnifar (E-PLEX)**

**(Case T-161/10)**

(Community trade mark — Opposition proceedings — Application for Community word mark E-PLEX — Earlier national word mark EPILEX — Relative ground for refusal — Likelihood of confusion — Similarity of signs — 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 207/2009, Art. 8(1)(b)) (see paras 39, 43)*

**Re:**

ACTION brought against the decision of the Fourth Board of Appeal of OHIM of 5 February 2010 (Case R 662/2009-4), relating to opposition proceedings between Tecnifar — Industria Tecnica Farmaceutica, SA and Longevity Health Products, Inc.

**Information relating to the case**

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| Applicant for the Community trade mark:                             | Longevity Health Products, Inc.   |
| Community trade mark sought:  | Word mark E-PLEX for goods and services in Classes 3, 5 and 35 — Application No 5126909 |
| Proprietor of the mark or sign cited in the opposition proceedings: | Tecnifar — Industria Tecnica Farmaceutica, SA   |
| Mark or sign cited in opposition:                                   | Portuguese trade mark registration of the word mark EPILEX for goods in Class 5         |
| Decision of the Opposition Division:                                | Opposition partially upheld   |
| Decision of the Board of Appeal:                                    | Appeal partially dismissed  |

## Operative part

The Court:

1. Dismisses the action;
2. Orders Longevity Health Products, Inc. to pay the costs.

### **Judgment of the General Court (Fourth Chamber) of 24 May 2011 — Euro-Information v OHIM (EURO AUTOMATIC CASH)**

**(Case T-392/10)**

(Community trade mark — Application for Community word mark EURO AUTOMATIC CASH — Absolute grounds for refusal — Descriptive character — Article 7(1)(c) of Regulation (EC) No 207/2009)

*Community trade mark — Definition and acquisition of the Community trade mark — Absolute grounds for refusal — Marks composed exclusively of signs or indications which may serve to designate the characteristics of goods (Council Regulation No 40/94, Art. 7(1)(c)) (see para. 59)*

**Re:**

ACTION brought against the decision of the Second Board of Appeal of OHIM of 17 June 2010 (Case R 892/2010-2) concerning an application for registration of the word sign EURO AUTOMATIC CASH as a Community trade mark.

### **Information relating to the case**

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| Applicant for the Community trade mark: | Euro-Information — Européenne de traitement de l'information |
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