



## Reports of Cases

### **Judgment of the General Court (First Chamber) of 9 March 2012 — Colas v OHIM – García-Teresa Gárate and Bouffard Vicente (BASE-SEAL)**

**(Case T-172/10)**

(Community trade mark — Opposition proceedings — Application for the Community figurative mark BASE-SEAL — Earlier national figurative marks representing a diamond shape — Earlier national and international figurative marks COLAS — Relative ground for refusal — Similarity of the 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 39-42, 59-63)*

#### **Re:**

ACTION brought against the decision of the Fourth Board of Appeal of OHIM of 4 February 2010 (Case R 450/2009-4), relating to opposition proceedings between, on the one hand, Colas and, on the other hand, Ms Rosario García-Teresa Gárate and Ms Carmen Bouffard Vicente.

#### **Operative part**

The Court:

1. Annuls the decision of the Fourth Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM) of 4 February 2010 (Case R 450/2009-4) in respect of goods other than the chemicals used in science, photography, agriculture, horticulture and forestry; manures; and chemical substances for preserving foodstuffs referred to in that decision;
2. Orders OHIM to pay the costs.