



## Reports of Cases

### Judgment of the General Court (Eighth Chamber) of 29 March 2012 — You-Q v OHIM – Apple Corps (BEATLE)

(Case T-369/10)

(Community trade mark — Opposition proceedings — Application for Community figurative mark BEATLE — Earlier national and Community word and figurative marks BEATLES and THE BEATLES — Relative ground for refusal — Article 8(5) of Regulation (EC) No 207/2009 — Reputation — Unfair advantage taken of the distinctive character or reputation of the earlier marks)

*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 enjoying a reputation — Protection of well-known earlier mark extended to dissimilar goods or services — Taking unfair advantage of the distinctive character or repute of the earlier mark (Council Regulation No 207/2009, Art. 8(5)) (see paras 34-35, 45, 60, 74)*

#### Re:

ACTION brought against the decision of the Second Board of Appeal of OHIM of 31 May 2010 (Case R 1276/2009-2) concerning opposition proceedings between Apple Corps Ltd and Movingpeople.net International BV.

#### Operative part

The Court:

1. Dismisses the action;
2. Orders You-Q BV to pay the costs.