



Reports of Cases

Judgment of the General Court (Seventh Chamber) of 13 November 2014 —

Natura Selection v OHIM — Afoi Anezoulaki (natur)

(Case T-549/10)

(Community trade mark — Opposition proceedings — Application for the Community word mark natur — Earlier application for the figurative mark natura — Relative ground for refusal — Likelihood of confusion — Article 8(1)(b) of Regulation (EC) No 207/2009)

1. *Community trade mark — Appeals procedure — Action before the EU judicature — Jurisdiction of the General Court — No power to issue directions (Council Regulation No 207/2009, Art. 65(6)) (see para. 22)*
2. *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 — Criteria for assessment (Council Regulation No 207/2009, Art. 8(1)(b)) (see para. 27)*
3. *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 — Assessment of the likelihood of confusion — Attention level of the public (Council Regulation No 207/2009, Art. 8(1)(b)) (see para. 28)*
4. *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 — Similarity between the goods or services in question — Criteria for assessment (Council Regulation No 207/2009, Art. 8(1)(b)) (see paras 29, 33)*
5. *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 — Word mark natur and figurative marks natura, natura selection and natura casa (Council Regulation No 207/2009, Art. 8(1)(b)) (see paras 30, 34-38)*

Re:

ACTION brought against the decision of the Second Board of Appeal of OHIM of 6 September 2010 (Case R 217/2010-2), relating to opposition proceedings between Natura Selection, SL and Afoi Anezoulaki AE.

Operative part

The Court:

1. Annuls the decision of the Second Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM) of 6 September 2010 (Case R 217/2010-2);
2. Orders OHIM to pay the costs.