



Reports of Cases

Judgment of the General Court (Eighth Chamber) of 14 July 2014 — Vila Vita Hotel und Touristik v OHIM — Viavita (VIAVITA)

(Case T-204/12)

(Community trade mark — Opposition proceedings — Application for Community word mark VIAVITA — Earlier national word mark VILA VITA PARC and figurative mark VILA VITA — No genuine use of earlier marks — Article 42(2) and (3) and Article 15(1)(a) of Regulation (EC) No 207/2009)

Community trade mark — Observations of third parties and opposition — Examination of the opposition — Proof of use of the earlier mark — Genuine use — Use of the mark in a form differing by elements not altering the distinctive character of the mark — Subject-matter and material scope of Article 15(1), second paragraph, (a), of Regulation No 207/2009 (Council Regulation No 207/2009, Art. 15(1), second para., (a)) (see paras 23-25)

Re:

ACTION brought against the decision of the First Board of Appeal of OHIM of 1 March 2012 (Case R 419/2011-1) relating to opposition proceedings between Vila Vita Hotel und Touristik GmbH and Viavita.

Operative part

The Court:

1. Dismisses the action;
2. Orders Vila Vita Hotel und Touristik GmbH to bear its own costs and to pay those incurred by the Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM) and Viavita.