



## Reports of Cases

### Judgment of the General Court (Third Chamber) of 4 February 2015 — *El Corte Inglés v OHIM — Apro Tech (APRO)*

(Case T-372/12)

(Community trade mark — Opposition proceedings — Application for Community figurative mark APRO — Earlier national figurative mark B-PRO by Boomerang, earlier Community word mark PRO MOUNTAIN and applications for earlier Community figurative and word marks B-PRO by Boomerang and PRO OUTDOOR — No likelihood of confusion — Article 8(1)(b) of Regulation (EC) No 207/2009)

1. *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 paras 16, 17, 42)*
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 — Figurative mark APRO — Figurative marks B-PRO by Boomerang and word marks PRO MOUNTAIN and PRO OUTDOOR (Council Regulation No 207/2009, Art. 8(1)(b)) (see paras 27, 35, 37, 40, 41, 45-49)*
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 — Similarity of the marks concerned — Criteria for assessment — Composite mark (Council Regulation No 207/2009, Art. 8(1)(b)) (see paras 28, 29)*

**Re:**

ACTION brought against the decision of the Second Board of Appeal of OHIM of 25 May 2012 (Case R 196/2011-2), relating to opposition proceedings between El Corte Inglés, SA and Apro Tech Co. Ltd.

**Operative part**

The Court:

1. Dismisses the action;
2. Orders El Corte Inglés, SA, to pay the costs.