



Reports of Cases

Judgment of the General Court (First Chamber) of 5 May 2015 —

Skype v OHIM — Sky and Sky IP International (skype)

(Case T-423/12)

(Community trade mark — Opposition proceedings — Application for Community figurative mark skype — Earlier Community word mark SKY — Relative ground for refusal — 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 17, 46, 56)*
- 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 — Refusal to register on a ground relating to refusal even limited to part of the Union (Council Regulation No 207/2009, Art. 8(1)(b)) (see para. 18)*
- 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 — Determination of the relevant public — Attention level of the public (Council Regulation No 207/2009, Art. 8(1)(b)) (see para. 19)*
- 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 — Likelihood of confusion with the earlier mark — Figurative mark skype and word mark SKY (Council Regulation No 207/2009, Art. 8(1)(b)) (see paras 22, 26, 39, 71, 72)*

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 — High distinctiveness of the earlier mark — Criteria for assessment (Council Regulation No 207/2009, Art. 8(1)(b)) (see paras 48, 49)*

6. *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 — Coexistence of two marks on a given market (Council Regulation No 207/2009, Art. 8(1)(b)) (see para. 66)*

Re:

ACTION brought against the decision of the Fourth Board of Appeal of OHIM of 26 July 2012 (Case R 1561/2010-4) concerning opposition proceedings between, on the one hand, British Sky Broadcasting Group plc and Sky IP International Ltd and, on the other hand, Skype Ultd.

Operative part

The Court:

1. Dismisses the action;

2. Orders Skype Ultd to bear its own costs and to pay those incurred by the Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM), Sky plc and Sky IP International Ltd.