



## Reports of Cases

**Judgment of the General Court (Eighth Chamber) of 5 February 2015 —**

**Red Bull v OHIM — Sun Mark (BULLDOG)**

**(Case T-78/13)**

(Community trade mark — Opposition proceedings — Application for Community word mark BULLDOG — Earlier international and national word marks BULL and RED BULL — Relative grounds for refusal — Likelihood of confusion — Identical nature of the goods — Similarity of the signs — Conceptual similarity — Article 8(1)(b) of Regulation (EC) No 207/2009 — Article 8(5) of Regulation 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 21, 22, 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 — Word mark BULLDOG — Word marks BULL and RED BULL (Council Regulation No 207/2009, Art. 8(1)(b)) (see paras 24, 54, 60, 61)*
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 (Council Regulation No 207/2009, Art. 8(1)(b)) (see paras 27, 28, 33)*

**Re:**

ACTION brought against the decision of the Second Board of Appeal of OHIM of 16 November 2012 (Case R 107/2012-2), relating to opposition proceedings between Red Bull GmbH and Sun Mark Ltd.

**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 16 November 2012 (Case R 107/2012-2), relating to opposition proceedings between Red Bull GmbH and Sun Mark Ltd;
2. Declares Red Bull's plea that Sun Mark be ordered to pay the costs inadmissible;
3. Orders OHIM to pay the costs.