



Reports of Cases

Judgment of the General Court (Seventh Chamber) of 29 January 2015 — Zitro IP v OHIM — Gamepoint (SPIN BINGO)

(Case T-665/13)

(Community trade mark — Application for Community figurative mark SPIN BINGO — Earlier Community word mark ZITRO SPIN BING — Relative ground for refusal — 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 — 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 paras 17, 19)*
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 — Similarity of the marks concerned — Elements of a trade mark having a descriptive character — Criteria for assessment (Council Regulation No 207/2009, Art. 8(1)(b)) (see paras 29, 30, 35)*

Re:

ACTION brought against the decision of the Fourth Board of Appeal of OHIM of 14 October 2013 (Case R 1388/2012-4) concerning opposition proceedings between Zitro IP Sàrl and Gamepoint BV.

Operative part

The Court:

1. Dismisses the action of Zitro IP Sàrl;
2. Orders Zitro IP Sàrl to pay the costs.