



Reports of Cases

Judgment of the General Court (Second Chamber) of 21 January 2015 — Copernicus-Trademarks v OHIM — Blue Coat Systems (BLUECO)

(Case T-685/13)

(Community trade mark — Opposition proceedings — Application for Community word mark BLUECO — Earlier Community word mark BLUE COAT — Relative ground for refusal — Likelihood of confusion — Distinctive character of the earlier mark — 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 18, 39, 45, 46)*
2. *Community trade mark — Appeals procedure — Action before the EU judicature — Jurisdiction of the General Court — Review of the lawfulness of decisions of the Boards of Appeal — Re-examination of the facts in the light of evidence not previously submitted before OHIM bodies — Exclusion (Council Regulation No 207/2009, Art. 65) (see para. 21)*
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 — Word marks BLUECO and BLUE COAT (Council Regulation No 207/2009, Art. 8(1)(b)) (see paras 25-27, 53-56)*
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 — Weak distinctive character of the earlier mark — Relevance (Council Regulation No 207/2009, Art. 8(1)(b)) (see para. 50)*

Re:

ACTION brought against the decision of the First Board of Appeal of OHIM of 8 October 2013 (Case R 2028/2012-1), concerning opposition proceedings between Blue Coat Systems, Inc. and Copernicus-Trademarks Ltd.

Operative part

The Court:

1. Dismisses the action;
2. Orders Copernicus-Trademarks Ltd to pay the costs.