



Reports of Cases

Order of the Court (Third Chamber) of 7 May 2015 —

Adler Modemärkte v OHIM

(Case C-343/14 P) ¹¹

(Appeal — Article 181 of the Rules of Procedure of the Court of Justice — Community trade mark — Regulation (EC) No 40/94 — Article 8(1)(b) — Application for registration of the word mark MARINE BLEU — Opposition from the proprietor of the word mark BLUMARINE — Relative grounds for refusal — Likelihood of confusion — Conceptual comparison)

- 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 40/94, Art. 8(1)(b)) (see para. 31)*
- 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 — Criteria for assessment (Council Regulation No 40/94, Art. 8(1)(b)) (see paras 38, 39)*
- 3. Appeals — Grounds — Incorrect assessment of the facts and evidence — Inadmissibility — Review by the Court of the assessment of the facts and evidence — Possible only where the clear sense of the evidence has been distorted — Plea alleging a distortion of the facts — Necessity of indicating precisely the evidence alleged to have been distorted and showing the errors of appraisal which led to that distortion (Art. 256 TFEU; Statute of the Court of Justice, Art. 58, first para.; Rules of Procedure of the Court of Justice, Art. 168(1)(d)) (see para. 43)*
- 4. Appeals — Grounds — Inadequate or contradictory grounds — Admissibility — Scope of the obligation to state reasons (see para. 51)*
- 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 — Weak distinctive character of the earlier mark — Effect (Council Regulation No 40/94, Art. 8(1)(b)) (see paras 59, 61)*

¹¹ — OJ C 351, 6.10. 2014.

Operative part

1. The appeal is dismissed.
2. Adler Modemärkte AG is ordered to pay the costs.