



Reports of Cases

Judgment of the General Court (Fifth Chamber) of 28 September 2016 —

LLR-G5 v EUIPO — Glycan Finance (SILICIUM ORGANIQUE G5 LLR-G5)

(Case T-539/15)

(EU trade mark — Opposition proceedings — Application for figurative EU trade mark SILICIUM ORGANIQUE G5 LLR-G5 — Earlier international word marks Silicium Organique G5- Glycan 5-Si-Glycan-5-Si-G5 and Silicium Organique G5 — Relative ground for refusal — Likelihood of confusion — Article 8(1)(b) of Regulation (EC) No 207/2009)

1. *EU trade mark — Definition and acquisition of the EU 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 21-23, 80)*
2. *EU trade mark — Definition and acquisition of the EU 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 SILICIUM ORGANIQUE G5 LLR-G5 — Word marks Silicium Organique G5- Glycan 5-Si-Glycan-5-Si-G5 and Silicium Organique G5 (Council Regulation No 207/2009, Art. 8(1)(b)) (see paras 25, 26, 81)*
3. *EU trade mark — Definition and acquisition of the EU 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 between the goods or services in question — Criteria for assessment (Council Regulation No 207/2009, Art. 8(1)(b)) (see para. 29)*
4. *EU trade mark — Definition and acquisition of the EU 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 — Visual similarity between a figurative mark and a word mark (Council Regulation No 207/2009, Art. 8(1)(b)) (see para. 46)*

5. *EU trade mark — Definition and acquisition of the EU 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 — Composite mark (Council Regulation No 207/2009, Art. 8(1)(b)) (see paras 48, 51, 54, 56)*

Re:

ACTION brought against the decision of the First Board of Appeal of EUIPO of 11 June 2015 (Case R 291/2014-1), relating to opposition proceedings between Glycan Finance Corp. and LLR-G5.

Operative part

The Court:

1. Dismisses the action;
2. Orders LLR-G5 Ltd to pay the costs.