



Reports of Cases

Judgment of the General Court (First Chamber) of 22 September 2017 — Nara Tekstil Sanayi Ve Ticaret v EUIPO — NBC Fourth Realty (NaraMaxx)

(Case T-586/15)

(EU trade mark — Opposition proceedings — Application for the EU figurative mark NaraMaxx — Earlier national word mark MAXX — Relative ground for refusal — No likelihood of confusion — No similarity between the signs — 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 14-16, 48)

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 — Degree of attention of the relevant public*

(Council Regulation No 207/2009, Art. 8(1)(b))

(see para. 17)

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 — Likelihood of confusion with the earlier mark — Figurative mark NaraMaxx and word mark MAXX*

(Council Regulation No 207/2009, Art. 8(1)(b))

(see paras 18, 29-31, 39, 43, 46, 47, 51)

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 — Criteria for assessment*

(Council Regulation No 207/2009, Art. 8(1)(b))

(see paras 21, 22)

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 — Likelihood of confusion with the earlier mark — Similarity of the marks concerned — Assessment of the distinctiveness of an element composing a trade mark*

(Council Regulation No 207/2009, Art. 8(1)(b))

(see para. 24)

6. *EU trade mark — Appeals procedure — Action before the EU judicature — Legality of the decision of a Board of Appeal — Account taken, for the purposes of applying EU law, of national legislation, case-law or academic writing — Lawfulness*

(Council Regulation No 207/2009, Art. 65)

(see para. 28)

Re:

ACTION brought against the decision of the Fourth Board of Appeal of EUIPO of 27 July 2015 (Case R 1073/2014-4), relating to opposition proceedings between NBC Fourth Realty and Nara Tekstil Sanayi Ve Ticaret.

Operative part

The Court:

1. Dismisses the action;
2. Orders Nara Tekstil Sanayi Ve Ticaret Anonim Sirketi to pay the costs.