



Reports of Cases

Judgment of the General Court (Tenth Chamber) of 10 March 2021 – Hauz 1929 v EUIPO – Houzz (HAUZ EST 1929)

(Case T-68/20)

(EU trade mark – Opposition proceedings – Application for the EU figurative mark HAUZ EST 1929 – Earlier EU word mark HOUZZ – Relative ground for refusal – Likelihood of confusion – Article 8(1)(b) of Regulation (EU) 2017/1001)

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*

(European Parliament and Council Regulation 2017/1001, Art. 8(1)(b))

(see paras 16, 17, 58)

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 – Assessment of the likelihood of confusion – Determination of the relevant public – Attention level of the public*

(European Parliament and Council Regulation 2017/1001, Art. 8(1)(b))

(see para. 18)

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 marks HAUZ EST 1929 and HOUZZ*

(European Parliament and Council Regulation 2017/1001, Art. 8(1)(b))

(see paras 24, 25, 37, 42, 47, 68-72)

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

(European Parliament and Council Regulation 2017/1001, Art. 8(1)(b))

(see paras 26, 27)

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*

(European Parliament and Council Regulation 2017/1001, Art. 8(1)(b))

(see paras 28, 34, 40)

6. *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 – Distinctiveness or reputation of the earlier mark – Effect*

(European Parliament and Council Regulation 2017/1001, Art. 8(1)(b))

(see paras 48, 49, 59)

7. *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 – Weighing elements of similarity or difference between the signs – Taking into account of the intrinsic characteristics of the signs or the conditions in which the goods or services are marketed*

(European Parliament and Council Regulation 2017/1001, Art. 8(1)(b))

(see paras 60, 61)

Re:

Action brought against the decision of the Fifth Board of Appeal of EUIPO of 19 November 2019 (Case R 885/2019-5), relating to opposition proceedings between Houzz and Hauz 1929.

Operative part

The Court:

1. Dismisses the action;
2. Orders Hauz 1929 Ltd to pay the costs.