



Reports of Cases

Judgment of the General Court (Second Chamber) of 27 April 2022 – Vintae Luxury Wine Specialists v EUIPO – R. Lopez de Heredia Viña Tondonia (LOPEZ DE HARO)

(Case T-210/21)¹

(EU trade mark – Opposition proceedings – Application for EU figurative mark LOPEZ DE HARO – Earlier EU word mark LOPEZ DE HEREDIA – 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 19, 20, 48, 53)

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 LOPEZ DE HARO – Word mark LOPEZ DE HEREDIA*

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

(see paras 21, 22, 37, 47, 54-56, 61)

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 of the marks concerned – Criteria for assessment*

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

(see paras 23, 24)

¹ OJ C 228, 14.6.2021.

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 – Likelihood of confusion with the earlier mark – Coexistence of earlier marks on the market – Effect*

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

(see para. 58)

5. *EU trade mark – Definition and acquisition of the EU trade mark – Assessment of the registrability of a sign – EU rules only taken into account – Earlier registration of the mark in certain Member States or third countries – Decisions not binding EU bodies*

(European Parliament and Council Regulation No 2017/1001)

(see para. 60)

Operative part

The Court:

1. Dismisses the appeal;
2. Orders Vintae Luxury Wine Specialists SLU to pay the costs.