



## Reports of Cases

### **Judgment of the General Court (Sixth Chamber) of 25 October 2023 – Contorno Textil v EUIPO – Harmont & Blaine (GILBERT TECKEL)**

**(Case T-773/22)<sup>1</sup>**

(EU trade mark – Opposition proceedings – Application for an EU figurative mark, representing a dachshund in profile, GILBERT TECKEL – Earlier EU figurative mark representing a dachshund in profile – Relative ground for refusal – Likelihood of confusion – Article 8(1)(b) of Regulation (EU) 2017/1001 – Equal treatment – Legal certainty)

1. *EU trade mark – Appeals procedure – Action before the EU judicature – Jurisdiction of the General Court – Alteration of a decision of EUIPO – Assessment in the light of the powers conferred on the Board of Appeal*

*(European Parliament and Council Regulation 2017/1001, Art. 72(3))*

*(see paragraphs 15, 16)*

2. *EU trade mark – Definition and acquisition of the EU trade mark – Relative grounds for refusal – Opposition by the proprietor of an identical or similar earlier mark registered in respect of 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 paragraphs 22, 23, 73)*

3. *EU trade mark – Definition and acquisition of the EU trade mark – Relative grounds for refusal – Opposition by the proprietor of an identical or similar earlier mark registered in respect of identical or similar goods or services – Similarity between the marks concerned – Criteria for assessment – Composite mark*

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

*(see paragraphs 26, 27, 38, 41, 56, 57)*

4. *EU trade mark – Definition and acquisition of the EU trade mark – Relative grounds for refusal – Opposition by the proprietor of an identical or similar earlier mark registered in*

<sup>1</sup> OJ C 45, 6.2.2023.

*respect of identical or similar goods or services – Likelihood of confusion with the earlier mark – Figurative mark, representing a dachshund in profile, GILBERT TECKEL, and figurative mark representing a dachshund in profile*

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

*(see paragraphs 34, 35, 38, 39, 58, 59, 71, 79)*

5. *EU trade mark – Procedural provisions – Statement of reasons for decisions – Article 94(1), first sentence, of Regulation 2017/1001 – Scope identical to that of Article 296 TFEU – Recourse by the Board of Appeal to implicit reasoning – Whether permissible – Conditions*

*(Art. 296 TFEU; European Parliament and Council Regulation 2017/1001, Art. 94(1), first sentence)*

*(see paragraphs 47, 50, 51)*

6. *EU trade mark – Decisions of EUIPO – Legality – Examination by the EU judiciary – Criteria*

*(Art. 296 TFEU; European Parliament and Council Regulation 2017/1001)*

*(see paragraph 83)*

7. *EU trade mark – Decisions of EUIPO – Principle of equal treatment – Principle of sound administration – EUIPO's previous decision-making practice – Principle of legality – Need for a stringent and full examination in each individual case*

*(Art. 296 TFEU; European Parliament and Council Regulation 2017/1001, Art. 8(1)(b))*

*(see paragraphs 84-86)*

## **Operative part**

The Court:

1. Dismisses the action;
2. Orders Contorno Textil, SL to bear its own costs and to pay those incurred by Harmont & Blaine SpA;
3. Orders the European Union Intellectual Property Office (EUIPO) to bear its own costs.