

Re:

ACTION brought against the decision of the Fourth Board of Appeal of OHIM of 25 April 2008 (Case R 562/2007-4) concerning the registration of the word sign PASSION FOR BETTER FOOD as a Community trade mark.

Operative part

The Court:

1. Dismisses the action;
2. Orders Vion NV to pay the costs.

**Judgment of the General Court (Fifth Chamber) of 23 September 2011 —
NEC Display Solutions Europe v OHIM — C More Entertainment (see more)**

(Case T-501/08)

(Community trade mark — Opposition proceedings — Application for a Community figurative mark ‘see more’ — Earlier national word marks CMORE — Relative ground for refusal — Likelihood of confusion — Article 8(1)(b) of Regulation (EC) No 40/94 (now Article 8(1)(b) of Regulation (EC) No 207/2009)

1. *Community trade mark — Definition and acquisition of the Community 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 (Council Regulation No 40/94, Art. 8(1)(b)) (see paras 21-22, 58)*

2. *Community trade mark — Definition and acquisition of the Community 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 — Weak distinctiveness of the earlier mark — Effect (Council Regulation No 40/94, Art. 8(1)(b)) (see para. 57)*

Re:

ACTION brought against the decision of the Fourth Board of Appeal of OHIM of 28 August 2008 (Case R 1388/2007-4) relating to opposition proceedings between C More Entertainment AB and NEC Display Solutions Europe GmbH.

Operative part

The Court:

1. Dismisses the action;
2. Orders NEC Display Solutions Europe GmbH to pay the costs.

**Order of the General Court (Third Chamber) of 23 September 2011 —
Vivendi v Commission**

(Case T-567/10)

(Actions for annulment — Refusal by the Commission to act against a Member State for alleged infringement of Article 106 TFEU — No measure open to challenge — Inadmissibility)