



Reports of Cases

Judgment of the General Court (First Chamber) of 10 April 2013 — Höganäs v OHIM — Haynes (ASTALOY)

(Case T-505/10)

(Community trade mark — Opposition proceedings — Application for Community word mark ASTALOY — Earlier Community word mark HASTELLOY — Relative ground for refusal — Likelihood of confusion — Article 8(1)(b) of Regulation (EC) No 207/2009 — Coexistence of trade marks)

1. *Judicial proceedings — Application initiating proceedings — Formal requirements — Identification of the subject matter of the dispute — Summary statement of pleas (Statute of the Court of Justice, Arts 21, first para., and 53, first para.; Rules of Procedure of the General Court, Art. 44(1)(c)) (see para. 12)*
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 — Assessment of the likelihood of confusion — Criteria (Council Regulation No 207/2009, Art. 8(1)(b)) (see paras 16, 22, 38, 39)*
3. *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 — Word marks ASTALOY and HASTELLOY (Council Regulation No 207/2009, Art. 8(1)(b)) (see paras 19, 21, 27, 28, 34, 37, 68, 69)*
4. *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 — Criteria for assessment — Coexistence of two marks on a given market (Council Regulation No 207/2009, Art. 8(1)(b)) (see paras 47-49, 51)*

Re:

ACTION brought against the decision of the Fourth Board of Appeal of OHIM of 18 August 2010 (Case R 1530/2009-4), relating to opposition proceedings between Haynes International, Inc. and Höganäs AB.

Operative part

The Court:

1. Dismisses the action;
2. Orders Höganäs AB to pay the costs.