



Reports of Cases

Judgment of the General Court (First Chamber) of 13 March 2013 — Biodes v OHIM — Manasul Internacional (FARMASUL)

(Case T-553/10)

(Community trade mark — Opposition proceedings — Application for the Community figurative mark FARMASUL — Earlier Spanish figurative mark MANASUL — Relative ground for refusal — Likelihood of confusion — Distinctive character of the earlier mark — Article 8(1)(b) of Regulation (EC) No 207/2009)

1. *Judicial proceedings — Application initiating proceedings — Formal requirements — Brief summary of the pleas in law on which the application is based — Similar requirements for claims invoked in support of a plea (Statute of the Court of Justice, Art. 21, first para.; Rules of Procedure of the General Court, Art. 44(1)(c)) (see para. 22)*
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 25, 26)*
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 — Assessment of the likelihood of confusion — Determination of the relevant public (Council Regulation No 207/2009, Art. 8(1)(b)) (see para. 27)*
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 — Figurative marks FARMASUL and MANASUL (Council Regulation No 207/2009, Art. 8(1)(b)) (see paras 28, 59, 74, 87)*
5. *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 — Similarity of the marks concerned — Criteria for assessment — Complex mark (Council Regulation No 207/2009, Art. 8(1)(b)) (see paras 36-39)*

6. *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 — High distinctiveness of the earlier mark — Criteria for assessment (Council Regulation No 207/2009, Art. 8(1)(b)) (see paras 60, 61)*

Re:

ACTION brought against the decision of the First Board of Appeal of OHIM of 3 September 2010 (Case R 1034/2009-1) relating to opposition proceedings between Manasul Internacional, SL and Biodes, SL.

Operative part

The Court:

1. Dismisses the action;
2. Orders Biodes, SL to pay the costs.