



Reports of Cases

Judgment of the General Court (Eighth Chamber) of 22 March 2013 — *Fabryka Łożysk Tocznych-Kraśnik v OHIM — Impexmetal (FŁT-1)*

(Case T-571/10)

(Community trade mark — Opposition proceedings — Application for Community figurative mark FŁT-1 — Earlier Community figurative mark FŁT — Relative ground for refusal — Likelihood of confusion — 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 — Assessment of the likelihood of confusion (Council Regulation No 207/2009, Art. 8(1)(b)) (see paras 17, 18, 39, 40)*
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 — Figurative marks FŁT-1 and FŁT (Council Regulation No 207/2009, Art. 8(1)(b)) (see paras 19, 20, 22, 28, 37, 42)*
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 — Similarity of the marks concerned — Criteria for assessment — Complex mark (Council Regulation No 207/2009, Art. 8(1)(b)) (see paras 23-25)*
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 — Coexistence of earlier marks on the market — Relevance (Council Regulation No 207/2009, Art. 8(1)(b)) (see para. 55)*

Re:

ACTION brought against the decision of the First Board of Appeal of OHIM of 6 October 2010 (Case R 1387/2009-1) relating to opposition proceedings between Impexmetal S.A. and Fabryka Łożysk Tocznych-Kraśnik S.A.

Operative part

The Court:

1. Dismisses the action;
2. Orders Fabryka Łożysk Tocznych-Kraśnik S.A. to pay the costs.