



Reports of Cases

Judgment of the General Court (Fourth Chamber) of 5 December 2012 — Consorzio vino Chianti Classico v OHIM — FFR (F.F.R.)

(Case T-143/11)

(Community trade mark — Opposition proceedings — Application for a Community figurative mark 'F.F.R.' — Earlier national figurative marks CHIANTI CLASSICO — Relative ground for refusal — No likelihood of confusion — Article 8(1)(b) and 8(5) 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 — Criteria (Council Regulation No 207/2009, Art. 8(1)(b)) (see paras 17, 18)*
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 F. F. R. and CHIANTI CLASSICO (Council Regulation No 207/2009, Art. 8(1)(b)) (see paras 26, 51, 55-62)*
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 (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 enjoying a reputation — Protection of well-known earlier mark extended to dissimilar goods or services — Conditions (Council Regulation No 207/2009, Art. 8(5)) (see paras 64, 65)*
5. *Community trade mark — Appeals procedure — Action before the EU judicature — Ability of General Court to amend the contested decision — Limits (Council Regulation No 207/2009, Art. 65(3)) (see para. 70)*

Re:

ACTION brought against the decision of the Fourth Board of Appeal of OHIM of 10 January 2011 (Case R 43/2010-4), concerning opposition proceedings between Consorzio vino Chianti Classico and Fédération française de rugby (FFR).

Operative part

The Court:

1. Annuls the decision of the Fourth Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM) of 10 January 2011 (Case R 43/2010-4) in so far as the Board of Appeal rejected the opposition based on Article 8(5) of Council Regulation (EC) No 207/2009 of 26 February 2009 on the Community trade mark;
2. Dismisses the action as to the remainder;
3. Orders Consorzio vino Chianti Classico and OHIM each to bear the costs which they have incurred in the course of the proceedings before the General Court.