



Reports of Cases

Judgment of the General Court (Third Chamber) of 9 April 2013 — *Italiana Calzature v OHIM — Vicini* (Giuseppe BY GIUSEPPE ZANOTTI)

(Case T-337/11)

(Community trade mark — Opposition proceedings — Application for Community figurative mark Giuseppe BY GIUSEPPE ZANOTTI — Prior Community word mark ZANOTTI — 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 — Criteria (Council Regulation No 207/2009, Art. 8(1)(b)) (see paras 19-21, 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 mark Giuseppe BY GIUSEPPE ZANOTTI and word mark ZANOTTI (Council Regulation No 207/2009, Art. 8(1)(b)) (see paras 23, 25, 41, 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 between the goods or services in question — Criteria for assessment (Council Regulation No 207/2009, Art. 8(1)(b)) (see para. 24)*
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 — Similarity of the marks concerned — Criteria for assessment — Complex mark (Council Regulation No 207/2009, Art. 8(1)(b)) (see paras 26, 27, 50)*

Re:

ACTION brought against the decision of the Second Board of Appeal of OHIM of 8 April 2011 (Case R 918/2010-2), concerning opposition proceedings between Società Italiana Calzature SpA and Vicini SpA.

Operative part

The Court:

1. Dismisses the action;
2. Orders Società Italiana Calzature SpA to pay the costs.