



Reports of Cases

Judgment of the General Court (Sixth Chamber) of 21 March 2013 — Event v OHIM — CBT Comunicación Multimedia (eventer EVENT MANAGEMENT SYSTEMS)

(Case T-353/11)

(Community trade mark — Opposition proceedings — Application for Community figurative mark eventer EVENT MANAGEMENT SYSTEMS — Earlier national word mark Event — Relative ground for refusal — Likelihood of confusion — Article 8(1)(b) of Regulation (EC) No 207/2009)

1. *Community trade mark — Appeals procedure — Action before the EU judicature — Legality of the decision of a Board of Appeal adjudicating in opposition proceedings — Challenge by the adducing of new facts — Inadmissibility — Account taken, for the purposes of interpreting EU law, of EU, national or international case-law not cited before the OHIM bodies — Admissibility (Council Regulation No 207/2009, Art. 65) (see paras 22, 23)*
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 27, 29, 81, 84)*
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 — Figurative mark eventer EVENT MANAGEMENT SYSTEMS and word mark Event (Council Regulation No 207/2009, Art. 8(1)(b)) (see paras 38, 57, 67, 74, 80, 83, 92)*
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 between the goods or services in question — Criteria for assessment — Complementary nature of the goods (Council Regulation No 207/2009, Art. 8(1)(b)) (see paras 40, 50)*
5. *Community trade mark — Definition and acquisition of the Community trade mark — Prior registration of the trade mark in certain Member States — Effect (see para. 58)*

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 — Similarity of the marks concerned — Criteria for assessment — Complex mark (Council Regulation No 207/2009, Art. 8(1)(b)) (see paras 60, 63)*

Re:

ACTION brought against the decision of the Second Board of Appeal of OHIM of 29 March 2011 (Case R 939/2010-2), relating to opposition proceedings between Event Holding GmbH & Co. KG and CBT Comunicación Multimedia, SL.

Operative part

The Court:

1. Dismisses the action;
2. Orders Event Holding GmbH & Co. KG to pay the costs.