



## Reports of Cases

### Judgment of the General Court (Fourth Chamber) of 13 November 2012 — tesa v OHIM — Superquímica (tesa TACK)

(Case T-555/11)

(Community trade mark — Opposition proceedings — Application for Community figurative mark tesa TACK — Earlier national figurative mark TACK Ceys — Relative ground for refusal — Likelihood of confusion — Similarity of the signs — 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 20-22, 25, 52)*
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 tesa TACK and TACK Ceys (Council Regulation No 207/2009, Art. 8(1)(b)) (see paras 23, 24, 39, 43, 44, 47, 56-58)*

#### Re:

ACTION brought against the decision of the First Board of Appeal of OHIM of 5 July 2011 (Case R 866/2010-1) relating to opposition proceedings between La Superquímica, SA and tesa SE.

#### Operative part

The Court:

1. Dismisses the action;
2. Orders tesa SE to pay the costs.