



## Reports of Cases

### Judgment of the General Court (Fifth Chamber) of 21 November 2012 — Atlas v OHIM — Couleurs de Tollens (ARTIS)

(Case T-558/11)

(Community trade mark — Opposition proceedings — Application for Community word mark ARTIS — Earlier national word mark ARTIS — 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 18, 19, 21, 44)*
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 — Word marks ARTIS (Council Regulation No 207/2009, Art. 8(1)(b)) (see paras 22, 23, 30-33, 45)*
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 — Complementary character of the goods or services (Council Regulation No 207/2009, Art. 8(1)(b)) (see paras 24-26)*

**Re:**

ACTION brought against the decision of the First Board of Appeal of OHIM of 28 July 2011 (Case R 1253/2010-1), relating to opposition proceedings between Couleurs de Tollens-Agora and Atlas sp. z o.o.

## **Operative part**

The Court:

1. Dismisses the action;
2. Orders Atlas sp. z o.o. to pay the costs, including those necessarily incurred by Couleurs de Tollens during the proceedings before the Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM).