



Reports of Cases

Judgment of the General Court (Third Chamber) of 19 March 2013 — Yueqing Onesto Electric v OHIM — Ensto (ONESTO)

(Case T-624/11)

(Community trade mark — Opposition proceedings — International registration designating the European Community — Figurative mark ONESTO — Earlier Community figurative mark ENSTO — 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 18-21, 28, 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 marks ONESTO and ENSTO (Council Regulation No 207/2009, Art. 8(1)(b)) (see paras 23, 25, 41)*
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 — Likelihood of confusion with the earlier mark — Weak distinctive character of the earlier mark — Relevance (Council Regulation No 207/2009, Art. 8(1)(b)) (see para. 44)*

Re:

ACTION brought against the decision of the Second Board of Appeal of OHIM of 20 September 2011 (Case R 2535/2010-2), concerning opposition proceedings between Ensto Oy and Yueqing Onesto Electric Co. Ltd.

Operative part

The Court:

1. Dismisses the action;
2. Orders Yueqing Onesto Electric Co. Ltd to pay the costs.