



## Reports of Cases

### Judgment of the General Court (Sixth Chamber) of 28 November 2012 — Bauer v OHIM — BenQ Materials (Daxon)

(Case T-29/12)

(Community trade mark — Opposition proceedings — Application for Community word mark Daxon — Earlier Community word mark DALTON — 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, 33)*
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 Daxon and DALTON (Council Regulation No 207/2009, Art. 8(1)(b)) (see paras 21-23, 27-31, 35-43)*

#### Re:

ACTION brought against the decision of the Second Board of Appeal of OHIM of 9 November 2011 (Case R 2191/2010-2) relating to opposition proceedings between Mrs Erika Bauer and BenQ Materials Corp.

#### Operative part

The Court:

1. Grants Alva Management GmbH leave to be substituted for Mrs Erika Bauer as applicant;

2. Dismisses the action;
3. Orders Alva Management to pay the costs.