

**Judgment of the General Court of 24 September 2015 — Primagaz v OHIM — Reeh (PRIMA KLIMA)**(Case T-195/14) <sup>(1)</sup>

*(Community trade mark — Opposition proceedings — Application for Community figurative mark PRIMA KLIMA — Earlier Community figurative mark PRIMAGAZ — Relative ground for refusal — Likelihood of confusion — Relevant public — Similarity of goods and services — Similarity of the signs — Distinctive character of a laudatory word element — Conceptual comparison — Distinctive character of the earlier mark — Article 8(1)(b) of Regulation (EC) No 207/2009)*

(2015/C 389/48)

Language of the case: German

**Parties**

*Applicant:* Compagnie des gaz de pétrole Primagaz SA (Paris, France) (represented by: D. Régnier, lawyer)

*Defendant:* Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by: M. Fischer, acting as Agent)

*Other party to the proceedings before the Board of Appeal of OHIM, intervening before the General Court:* Gerhard Reeh (Radnice, Czech Republic) (represented by: W. Riegger, lawyer)

**Re:**

Action brought against the decision of the First Board of Appeal of OHIM of 7 January 2014 (Case R 2304/2012-1), relating to opposition proceedings between Compagnie des gaz de pétrole Primagaz SA and Mr Gerhard Reeh.

**Operative part of the judgment**

*The Court:*

1. *Annuls the decision of the First Board of Appeal of the Office for harmonisation in the Internal Market (Trade Marks and Designs) (OHIM) of 7 January 2014 (Case R 2304/2012-1) in so far as the Board of Appeal dismissed the action before it as regards the goods ‘apparatus for lighting, heating, drying and ventilating; activated carbon filters for ventilation purposes’;*
2. *Dismisses the action as to the remainder;*
3. *Orders each party to bear its own costs.*

<sup>(1)</sup> OJ C 175, 10.6.2014.