



Reports of Cases

Judgment of the General Court (First Chamber) of 27 February 2014 — Pêra-Grave v OHIM — Fundação Eugénio de Almeida (Q^{TA}S. JOSÉ DE PERAMANCA)

(Case T-602/11)

(Community trade mark — Opposition proceedings — Application for the Community figurative mark QTA S. JOSÉ DE PERAMANCA — Earlier national figurative marks VINHO PERA-MANCA TINTO, VINHO PERA-MANCA BRANCO and PÊRA-MANCA — 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 — Criteria for assessment (Council Regulation No 207/2009, Art. 8(1)(b)) (see paras 16-18, 53)*
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 mark QTA S. JOSÉ DE PERAMANCA and figurative marks VINHO PERA-MANCA TINTO, VINHO PERA-MANCA BRANCO and PÊRA-MANCA (Council Regulation No 207/2009, Art. 8(1)(b)) (see paras 20, 21, 45, 61)*
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 of the marks concerned — Criteria for assessment — Complex mark (Council Regulation No 207/2009, Art. 8(1)(b)) (see paras 23-25)*
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 — Weighting of the marks concerned — Taking into account of the intrinsic characteristics of the signs or the conditions in which the goods or services are marketed (Council Regulation No 207/2009, Art. 8(1)(b)) (see paras 35, 57)*

Re:

ACTION brought against the decision of the Second Board of Appeal of OHIM of 19 September 2011 (Case R 1797/2010-2), relating to opposition proceedings between Fundação Eugénio de Almeida and Pêra-Grave — Sociedade Agrícola, Unipessoal L^{da}.

Operative part

The Court:

1. Dismisses the action;
2. Orders Pêra-Grave — Sociedade Agrícola, Unipessoal L^{da} to pay the costs, including the costs necessarily incurred by Fundação Eugénio de Almeida for the purposes of the proceedings before the Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM).