



## Reports of Cases

### Judgment of the General Court (Fifth Chamber) of 8 May 2014 — Pedro Group v OHIM — Cortefiel (PEDRO)

(Case T-38/13)

(Community trade mark — Opposition proceedings — Application for the Community word mark PEDRO — Earlier Community figurative mark Pedro del Hierro — Partial refusal to register — Relative grounds for refusal — Genuine use of the earlier mark — Highly distinctive character of the earlier mark — Likelihood of confusion — Article 8(1)(b) of Regulation (EC) No 207/2009)

1. *Community trade mark — Observations of third parties and opposition — Examination of the opposition — Proof of use of the earlier mark — Genuine use — Concept — Criteria for assessment (Council Regulation No 207/2009, Art. 42(2) and (3)) (see paras 27-32)*
2. *Community trade mark — Observations of third parties and opposition — Examination of the opposition — Proof of use of the earlier mark — Genuine use — Concept — Criteria for assessment — Territorial extent of the use (Council Regulation No 207/2009, Art. 15(1)) (see paras 33-36)*
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 — Likelihood of confusion with the earlier mark — Criteria for assessment (Council Regulation No 207/2009, Art. 8(1)(b)) (see paras 57-60, 75)*
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 — Word mark PEDRO and figurative mark Pedro del Hierro (Council Regulation No 207/2009, Art. 8(1)(b)) (see paras 73, 87, 90, 91)*
5. *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 — High distinctiveness of the earlier mark — Criteria for assessment (Council Regulation No 207/2009, Art. 8(1)(b)) (see para. 76)*

**Re:**

ACTION brought against the decision of the Fourth Board of Appeal of OHIM of 26 November 2012 (Case R 271/2011-4), relating to opposition proceedings between Cortefiel, SA, and Pedro Group Pte Ltd.

**Operative part**

The Court:

1. Dismisses the action;
2. Orders Pedro Group Pte Ltd to pay the costs.