



Reports of Cases

Judgment of the General Court (Third Chamber) of 28 March 2017 — Regent University v EUIPO — Regent's College (REGENT UNIVERSITY)

(Case T-538/15)

(EU trade mark — Invalidity proceedings — EU word mark REGENT UNIVERSITY — Earlier national figurative mark REGENT'S COLLEGE — Relative ground for refusal — Likelihood of confusion — Article 8(1)(b) and Article 53(1)(a) of Regulation (EC) No 207/2009)

1. *EU trade mark — Definition and acquisition of the EU 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 20-22, 71)

2. *EU trade mark — Surrender, revocation and invalidity — Relative grounds for invalidity — Existence of an identical or similar earlier mark registered for identical or similar goods or services — Likelihood of confusion with the earlier mark — Word mark REGENT UNIVERSITY and figurative mark REGENT'S COLLEGE*

(Council Regulation No 207/2009, Arts 8(1)(b), and 53(1)(a))

(see paras 24, 25, 70, 72, 73, 80)

3. *EU trade mark — Definition and acquisition of the EU 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 — Composite mark — Determination of dominant component(s)*

(Council Regulation No 207/2009, Art. 8(1)(b))

(see paras 27, 28, 31-34)

4. *EU trade mark — Definition and acquisition of the EU 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 — Weighing elements of similarity or difference between the signs — Objective marketing considerations to be taken into account*

(Council Regulation No 207/2009, Art. 8(1)(b))

(see para. 29)

5. *EU trade mark — Definition and acquisition of the EU 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 — Elements of a trade mark having a descriptive character*

(Council Regulation No 207/2009, Art. 8(1)(b))

(see para. 35)

6. *EU trade mark — Definition and acquisition of the EU 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 — Visual similarity between a figurative mark and a word mark*

(Council Regulation No 207/2009, Art. 8(1)(b))

(see para. 52)

7. *EU trade mark — Decisions of the Office — Principle of equal treatment — Principle of sound administration — EUIPO's previous decision-making practice — Principle of legality*

(Council Regulation No 207/2009)

(see para. 66)

Re:

ACTION brought against the decision of the Second Board of Appeal of EUIPO of 6 July 2015 (Case R 1859/2014-2) relating to invalidity proceedings between Regent's College and Regent University.

Operative part

The Court:

1. Dismisses the action;

2. Orders Regent University to pay the costs.