



## Reports of Cases

### **Judgment of the General Court (Fifth Chamber) of 15 March 2012 — Cadila Healthcare v OHIM — Novartis (ZYDUS)**

**(Case T-288/08)**

(Community trade mark — Opposition proceedings — Application for the Community word mark ZYDUS — Earlier Community word mark ZIMBUS — Relative ground for refusal — Likelihood of confusion — Similarity of the goods — Similarity of the signs — Article 8(1)(b) of Regulation (EC) No 40/94 (now Article 8(1)(b) of Regulation (EC) No 207/2009))

*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 (Council Regulation No 40/94, Art. 8(1)(b)) (see paras 32, 62-67)*

#### **Re:**

ACTION brought against the decision of the Second Board of Appeal of OHIM of 7 May 2008 (Case R 1092/2007-2), relating to opposition proceedings between Novartis AG and Cadila Healthcare Ltd.

#### **Operative part**

The Court:

1. Dismisses the application for a ruling that there is no need to adjudicate;
2. Dismisses the action;
3. Orders Cadila Healthcare Ltd to pay the costs.