INFORMATION ON UNPUBLISHED DECISIONS

Reports of Cases

Judgment of the General Court (Fifth Chamber) of 28 March 2012 — Hipp v OHIM — Nestlé (Bebio)

(Case T-41/09)

(Community trade mark — Opposition proceedings — Application for Community word mark Bebio — Earlier Community word mark and international word mark BEBA — Partial refusal of registration — Likelihood of confusion — 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 30, 55-57)

Re:

ACTION brought against the decision of the Second Board of Appeal of OHIM of 25 November 2008 (Case R 1790/2007-2) relating to opposition proceedings between Société des Produits Nestlé, S.A. and Hipp & Co KG.

Operative part

The Court:

1. Dismisses the action;

2. Orders Hipp & Co. KG to pay the costs.