**Operative part**

The Court:

1. Orders that Cases T-299/09 and T-300/09 be joined for the purposes of the judgment;

2. Dismisses the actions;

3. Orders Gühring OHG to pay the costs.

**Judgment of the General Court (First Chamber) of 15 February 2011 — Yorma's v OHIM — Norma Lebensmittelfilialbetrieb (YORMA'S)**

**(Case T-213/09)**

(Community trade mark — Opposition proceedings — Application for the Community figurative mark including the word element 'yorma's' — Earlier Community word mark NORMA — Relative ground for refusal — 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 26, 55, 86, 88)*

**Re:**

ACTION brought against the decision of the First Board of Appeal of OHIM of 20 February 2009 (Case R 1879/2007-1), concerning opposition proceedings between Norma Lebensmittelfilialbetrieb GmbH & Co. KG and Yorma's AG.

## Information relating to the case

| | |
|---|---|
| Applicant for the Community trade mark: | Yorma's AG |
| Community trade mark sought: | Figurative mark composed of the word element yorma's for services in Classes 35 and 42 — Application No 2048205 |
| Proprietor of the mark or sign cited in the opposition proceedings: | Norma Lebensmittelfilialbetrieb GmbH & Co. KG |
| Mark or sign cited in opposition: | Word mark NORMA (Community trade mark No 213769) for goods in Classes 3, 5, 8, 16, 18, 21, 25, 28 to 36 and the commercial symbol NORMA used in the course of trade in Germany, and the figurative sign NORMA |
| Decision of the Opposition Division: | Opposition dismissed |
| Decision of the Board of Appeal: | Annulment of the appealed decision and rejection of the Community trade mark application |

## Operative part

The Court:

1. Dismisses the action;

2. Orders Yorma's AG to pay the costs.