Judgment of the General Court (Sixth Chamber) of 3 March 2010 — Lufthansa AirPlus Servicekarten v OHIM — Applus Servicios Tecnológicos (A+)

(Case T-321/07)

(Community trade mark — Opposition proceedings — Application for Community figurative mark A+ — Earlier Community word mark AirPlus International — Relative grounds for refusal — No likelihood of confusion — Lack of similarity between the signs — Duty to state reasons — Rights of the defence — Articles 8(1)(b) and (5), 73, 74 and 79 of Regulation (EC) No 40/94 (now Articles 8(1)(b) and (5), 75, 76 and 83 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, 43)

Re:

ACTION brought against the decision of the Second Board of Appeal of OHIM of 7 June 2007 (Case R 310/2006-2), relating to opposition proceedings between Lufthansa AirPlus Servicekarten GmbH and Applus Servicios Tecnológicos, SL.

Information relating to the case

Applicant for the Community trade mark:	Applus Servicios Tecnológicos, SL
Community trade mark sought:	Figurative trade mark 'A+' for goods and services in Classes 9, 35, 36, 37, 40, 41 and 42 — application No 2933356

Proprietor of the mark or sign cited in the opposition proceedings:	Lufthansa AirPlus Servicekarten GmbH
Mark or sign cited in opposition:	Community word mark Airplus International for goods and services in Classes 9, 35, 36 and 42
Decision of the Opposition Division:	Opposition dismissed
Decision of the Board of Appeal:	Appeal dismissed

Operative part

The Court:

1. Dismisses the action;

2. Orders Lufthansa AirPlus Servicekarten GmbH to bear its own costs and those incurred by the Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM);

3. Orders Applus Servicios Tecnológicoas, SL to bear its own costs.

Judgment of the General Court (Fifth Chamber) of 4 March 2010 — Mundipharma v OHIM — ALK-Abelló (AVANZALENE)

(Case T-477/08)

(Community trade mark — Opposition proceedings — Application for the Community word mark AVANZALENE — Earlier Community word mark AVANZ — Likelihood of confusion — 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))