Judgment of the General Court (Fourth Chamber) of 21 January 2010 — Goncharov v OHIM — DSB (DSBW)

(Case T-34/07)

(Community trade mark — Opposition proceedings — Application for the Community word mark DSBW — Earlier Community word mark DSB — 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 29, 52-54)

Re:

ACTION brought against the decision of the Second Board of Appeal of OHIM of 4 December 2006 (Case R 1330/2005-2), relating to opposition proceedings between DSB and Mr K. Goncharov.

Information relating to the case

Applicant for the Community trade mark:	Karen Goncharov
Community trade mark sought:	The word mark DSBW for services in Classes 39, 41, 43 and 44 — Application No 2 852 143
Proprietor of the mark or sign cited in the opposition proceedings:	DSB

Mark or sign cited in opposition:	The word mark DSB (Community trade mark No 2292290) for services in Classes 35 to 37, 39, 41 and 42, the opposition being directed against registration in Classes 39, 41 and 43
Decision of the Opposition Division:	Opposition dismissed
Decision of the Board of Appeal:	Annulment of the contested decision and appeal allowed

Operative part

The Court:

1. Dismisses the action;

2. Orders Mr Karen Goncharov to pay the costs.

Judgment of the General Court (Fifth Chamber) of 21 January 2010 — G-Star Raw Denim v OHIM — ESGW (G Stor)

(Case T-309/08)

(Community trade mark — Opposition proceedings — Application for the Community figurative mark G Stor — Earlier national and Community word and figurative marks G-STAR and G-STAR RAW DENIM — Relative ground for refusal — Absence of similarity between the marks — Article 8(5) of Regulation (EC) No 40/94 (now Article 8(5) of Regulation (EC) No 207/2009))