Judgment of the General Court (Second Chamber) of 13 April 2010 — Esotrade v OHIM — Segura Sánchez (YoKaNa)

(Case T-103/06)

(Community trade mark — Opposition proceedings — Application for Community figurative mark YoKaNa — Earlier Community and national figurative marks YOKONO — Relative grounds for refusal — 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))

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 34, 43)

Re:

ACTION brought against the decision of the Second Board of Appeal of OHIM of 10 January 2006 (Case R 217/2004-2), concerning opposition proceedings between Antonio Segura Sánchez and Esotrade SA.

Information relating to the case

Applicant for the Community trade mark:	Esotrade, SA
Community trade mark sought:	Figurative mark YoKaNa for goods in Classes 14, 18 and 25 — Application No 1600659

Proprietor of the mark or sign cited in the opposition proceedings:	Antonio Segura Sánchez
Mark or sign cited in opposition:	Figurative Community and Spanish trade marks YOKONO for goods in Classes 25 (No 1099356) and 18, 25 and 39 (No 336750)
Decision of the Opposition Division:	Opposition upheld in part; registration refused for certain goods in Classes 18 and 25
Decision of the Board of Appeal:	Appeal dismissed

Operative part

The Court:

1. Dismisses the action;

2. Orders the applicant to pay the costs.

Order of the General Court (First Chamber) of 13 April 2010 — Diputación Foral de Álava and Others v Commission

(Joined Cases T-529/08 to T-531/08)

(Application for annulment — State aid — Tax advantages — Recovery of State aid declared unlawful — Application of compound interest scheme — Confirmatory act — Inadmissibility)