Judgment of the General Court (Eighth Chamber) of 7 October 2010 — Accenture Global Services v OHIM — Silver Creek Properties (acsensa)

(Case T-244/09)

(Community trade mark — Opposition proceedings — Application for Community figurative mark acsensa — Earlier Community and national word and figurative marks ACCENTURE and accenture — Relative ground for refusal — No likelihood of confusion — No similarity of signs — Article 8(1)(b) of Regulation (EC) No 40/94 (now Article 8(1)(b) of Regulation (EC) No 207/2009) — Duty to state reasons — Article 73 of Regulation No 40/94 (now Article 75 of Regulation 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 19, 26)

Re:

ACTION brought against the decision of the Second Board of Appeal of OHIM of 20 March 2009 (Case R 802/2008-2), relating to opposition proceedings between Accenture Global Services GmbH and Silver Creek Properties SA.

Information relating to the case

Applicant for the Community trade mark:	Silver Creek Properties SA
Community trade mark sought:	Figurative mark acsensa for goods and services in Classes 9, 35, 36, 38, 41 and 42
Proprietor of the mark or sign cited in the opposition proceedings:	Accenture Global Services GmbH
Mark or sign cited in opposition:	German trade mark registration for the word mark ACCENTURE for goods and services in Classes 9, 16, 35 to 37, 41 and 42; German trade mark registration of the figurative mark accenture for goods and services in Classes 9, 16, 35 to 37, 41 and 42; Community trade mark registration of the word mark ACCENTURE for goods and services in Classes 9, 16, 35 to 37, 41 and 42; Community trade mark registration of the figurative mark accenture for goods and services in Classes 9, 16, 35 to 37, 41 and 42
Decision of the Opposition Division:	Opposition dismissed in its entirety
Decision of the Board of Appeal:	Appeal dismissed

Operative part

1. Dismisses the action;

2. Orders Accenture Global Services GmbH to pay the costs.