INFORMATION ON UNPUBLISHED DECISIONS

Reports of Cases

Order of the Court (Seventh Chamber) of 22 March 2012 — Emram v OHIM

(Case C-354/11 P)

(Appeal — Article 119 of the Rules of Procedure — Community trade mark — Regulation (EC) No 40/94 — Article 8(1)(b) — Application for registration of the figurative mark G — Trade marks)

1. *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 — Earlier mark only weakly distinctive — Effect (Council Regulation No 40/94, Art. 8(1)(b)) (see para. 44)*

2. *Appeals — Grounds — Incorrect assessment of the facts and evidence — Inadmissibility — Review by the Court of the assessment of the facts and evidence — Possible only where the clear sense of the evidence has been distorted (Art. 256(1), TFEU; Statute of the Court of Justice, Art. 58, first para.) (see para. 48)*

3. *Community trade mark — Decisions of the Office — Whether lawful — Examination by the Community judicature — Criteria (Council Regulation No 40/94) (see para. 92)*

Re:

Appeal brought against the judgment of the General Court (Second Chamber) of 10 May 2011 in Case T-187/10 *Emram* v *OHIM* dismissing the action brought against the decision of the First Board of Appeal of OHIM of 11 February 2010 (Case R 1281/2008-1) relating to opposition proceedings between Guccio Gucci SpA and Mr Emram — Article 8(1)(b) of Council Regulation (EC) No 207/2009 of 26 February 2009 on the Community trade mark (OJ 2009 L 78, p. 1) — Application for Community figurative mark G — Likelihood of confusion — Distortion of the evidence — Incorrect assessment of the distinctive character — Infringement of the principle of equal treatment.

Operative part

1. The appeal is dismissed.

2. Mr Emram is ordered to pay the costs.