INFORMATION ON UNPUBLISHED DECISIONS

Reports of Cases

# Judgment of the General Court (Second Chamber) of 23 March 2012 – Barilla v OHIM – Brauerei Schlösser (ALIXIR)

**(Case T-157/10)**

(Community trade mark — Opposition proceedings — Application for registration of the Community word mark ALIXIR — Earlier national word mark Elixeer — Relative ground for refusal — Likelihood of confusion — Similarity of the signs — 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 207/2009, Art. 8(1)(b)) (see paras 29-31)*

**Re:**

ACTION brought against the decision of the Second Board of Appeal of OHIM of 25 January 2010 (case R 820/2009-2), relating to opposition proceedings between Brauerei Schlösser GmbH and Barilla G. e R. Fratelli SpA.

**Operative part**

The Court:

1. Dismisses the action;

2. Orders Barilla G. e R. Fratelli SpA to pay the costs.