Judgment of the General Court (Eighth Chamber) of 8 September 2011 — MIP Metro v OHIM — Metronia (METRONIA)

(Case T-525/09)

(Community trade mark — Opposition proceedings — Application for Community figurative mark METRONIA — Earlier national figurative mark METRO — Relative ground for refusal — Likelihood of confusion — 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, 41-42)

Re:

ACTION against the decision of the First Board of Appeal of OHIM of 8 October 2009 (Case R 1315/2006-1), concerning opposition proceedings between MIP Metro Group Intellectual Property GmbH & Co. KG and Metronia, SA.

Operative part

The Court:

1. Dismisses the action;

2. Orders MIP Metro Group Intellectual Property GmbH & Co. KG to pay the costs.