INFORMATION ON UNPUBLISHED DECISIONS

Reports of Cases

Judgment of the General Court (Fifth Chamber) of 2 February 2012 — Goutier v OHIM — Euro Data (ARANTAX)

(Case T-387/10)

(Community trade mark — Opposition proceedings — Application for Community word mark ARANTAX — Earlier national word mark ANTAX — Relative ground for refusal — Likelihood of confusion — Article 8(1)(b) of Regulation (EC) No 207/2009 — Genuine use of the earlier mark — Article 42(2) and (3) of Regulation No 207/2009)

1. *Community trade mark — Observations of third parties and opposition — Examination of the opposition — Proof of use of the earlier mark — Genuine use — Meaning (Council Regulation No 207/2009, Art. 42(2) and (3)) (see paras 21-26)*

2. *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 48, 78, 79)*

Re:

ACTION brought against the decision of the Fourth Board of Appeal of OHIM of 1 July 2010 (Case R 126/2009-4) concerning opposition proceedings between Euro Data GmbH & Co. KG, Datenverarbeitungsdienst and Mr Klaus Goutier.

Operative part

The Court:

1. Dismisses the action;

2. Orders Mr Klaus Goutier to pay the costs.