INFORMATION ON UNPUBLISHED DECISIONS

Reports of Cases

Judgment of the General Court (Fifth Chamber) of 15 March 2012 — Mustang v OHIM – Decathlon (Wavy line)

(Case T-379/08)

(Community trade mark — Opposition proceedings — Application for a figurative Community mark representing a wavy line — Earlier national and international figurative trade marks representing a white wavy line on a black background — Relative ground for refusal — Likelihood of confusion — Similarity of the signs — Article 8(1)(b) of Regulation (EC) No 40/94 (now 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 40/94, Art. 8(1)(b)) (see paras 26-28, 56-59)

Re:

ACTION brought against the decision of the Fourth Board of Appeal of OHIM of 8 July 2008 (Case R 859/2007-4) concerning opposition proceedings between Decathlon SA and Mustang – Bekleidungswerke GmbH & Co. KG.

Operative part

The Court:

1. Dismisses the action;

2. Orders Mustang – Bekleidungswerke GmbH & Co. KG to pay the costs.