Operative part

The Court:

1. Dismisses the action;

2. Orders Perusahaan Otomobil Nasional Sdn Bhd to pay the costs.

Judgment of the General Court (Second Chamber) of 27 September 2011 — El Jirari Bouzekri v OHIM — Nike International (NC NICKOL)

(Case T-207/09)

(Community trade mark — Opposition proceedings — Application for Community figurative mark NC NICKOL — Earlier Community figurative mark NIKE — Relative ground for refusal — No likelihood of confusion — No similarity between the signs — Article 8(5) of Regulation No 40/94)

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 enjoying a reputation — Protection of well-known earlier mark extended to dissimilar goods or services — Conditions (Council Regulation No 40/94, Art. 8(1)(b) and (5)) (see paras 29-31)

Re:

ACTION brought against the decision of the Second Board of Appeal of OHIM of 25 February 2009 (Case R 554/2008-2) relating to opposition proceedings between Nike International Ltd and Mustapha El Jirari Bouzekri.

Operative part

The Court:

1. Annuls the decision of the Second Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM), of 25 February 2009 (Case R 554/2008-2);

2. Orders OHIM to bear its own costs and to pay those incurred by Mustapha El Jirari Bouzekri. Nike International is ordered to pay its own costs.

Judgment of the General Court (Second Chamber) of 27 September 2011 — Brighton Collectibles v OHIM — Felmar (BRIGHTON)

(Case T-403/10)

(Community trade mark — Opposition procedure — Application for Community word mark BRIGHTON — National word and figurative marks BRIGHTON and earlier signs BRIGHTON — Relative grounds for refusal — Article 8(1)(b) and 8(2)(c) of Regulation (EC) No 207/2009 — Article 8(4) of Regulation 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 44-47)

Re:

ACTION brought against the decision of the Fourth Board of Appeal of OHIM of 30 June 2010 (Case R 408/2009-4) concerning an opposition procedure between Brighton Collectibles Inc. and Felmar.