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 22-24, 38)

Re:

ACTION brought against the decision of the First Board of Appeal of OHIM of 26 January 2010 (Case R 481/2009-1) concerning opposition proceedings between ara AG and Allrounder SARL.

Operative part

The Court:

1. Dismisses the action;

2. Orders ara AG to pay the costs.

Judgment of the General Court (Fifth Chamber) of 23 September 2011 — Vion v OHIM (PASSION FOR BETTER FOOD)

(Case T-251/08)

(Community trade mark — Application for Community word mark PASSION FOR BETTER FOOD — Absolute ground for refusal — Lack of distinctiveness — Article 7(1)(b) of Regulation (EC) No 40/94 (now Article 7(1)(b) of Regulation (EC) No 207/2009)

Community trade mark — Definition and acquisition of the Community trade mark — Absolute grounds for refusal — Marks devoid of any distinctive character (Council Regulation No 40/94, Art. 7(1)(b)) (see paras 18-19, 27-28)

Re:

ACTION brought against the decision of the Fourth Board of Appeal of OHIM of 25 April 2008 (Case R 562/2007-4) concerning the registration of the word sign PASSION FOR BETTER FOOD as a Community trade mark.

Operative part

The Court:

1. Dismisses the action;

2. Orders Vion NV to pay the costs.

Judgment of the General Court (Fifth Chamber) of 23 September 2011 — NEC Display Solutions Europe v OHIM — C More Entertainment (see more)

(Case T-501/08)

(Community trade mark — Opposition proceedings — Application for a Community figurative mark 'see more' — Earlier national word marks CMORE — Relative ground for refusal — Likelihood of confusion — Article 8(1)(b) of Regulation (EC) No 40/94 (now Article 8(1)(b) of Regulation (EC) No 207/2009)

1. *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 21-22, 58)*