Operative part

The Court:

1. Dismisses the action;

2. Orders the Bundesverband der Deutschen Volksbanken und Raiffeisenbanken eV (BVR) to pay the costs.

Judgment of the General Court (First Chamber) of 9 September 2011 — DRV v OHIM — Austria Leasing (Austria Leasing Gesellschaft m.b.H. Mitglied der Raiffeisen-Bankengruppe Österreich)

(Case T-199/10)

(Community trade mark — Opposition proceedings — Application for Community figurative mark Austria Leasing Gesellschaft m.b.H. Mitglied der Raiffeisen-Bankengruppe Österreich — Earlier national figurative mark Raiffeisen — No 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 20, 23, 37, 42, 50, 63)

Re:

ACTION for annulment of the decision of the First Board of Appeal of OHIM of 3 February 2010 (Case R 253/2009-1), relating to opposition proceedings between Deutscher Raiffensenverband eV (DRV) and Austria Leasing GmbH.

Operative part

The Court:

1. Dismisses the action;

2. Orders Deutscher Raiffeisenverband eV (DRV) to pay the costs.

Judgment of the General Court (Fourth Chamber) of 13 September 2011 — Ruiz de la Prada de Sentmenat v OHIM — Quant (AGATHA RUIZ DE LA PRADA)

(Case T-522/08)

(Community trade mark — Opposition proceedings — Application for Community figurative mark AGATHA RUIZ DE LA PRADA — Earlier Community figurative mark representing a black and white flower — Likelihood of confusion — 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 25, 36, 54, 67)

Re:

ACTION brought against the decision of the First Board of Appeal of OHIM of 17 September 2008 (Case R 1523/2007-1), relating to opposition proceedings between Mary Quant Ltd and Agatha Ruiz de la Prada de Sentmenat.