Judgment of the General Court (Fifth Chamber) of 20 October 2011 — Scatizza v OHIM — Jacinto (Horse Couture)

(Case T-238/10)

(Community trade mark — Opposition proceedings — Application for registration of the Community figurative mark Horse Couture — Earlier national figurative mark HORSE — 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 207/2009, Art. 8(1)(b)) (see paras 20, 47-49)

Re:

ACTION brought against the decision of the Second Board of Appeal of OHIM of 5 March 2010 (Case R 723/2009-2) relating to opposition proceedings between Manuel Jacinto, Lda and Stephanie Scatizza.

Operative part

The Court:

1. Dismisses the action;

2. Orders Stephanie Scatizza to pay the costs.