INFORMATION ON UNPUBLISHED DECISIONS

Reports of Cases

Judgment of the General Court (Second Chamber) of 17 January 2012 – Kitzinger v OHIM – MDR and ZDF (KICO)

(Case T-249/10)

(Community trade mark — Opposition proceedings — Application for the Community figurative mark KICO — Earlier national figurative mark and Community word mark KIKA — Relative ground for refusal — 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, 48)

Re:

ACTION brought against the decision of the Fourth Board of Appeal of OHIM of 25 March 2010 (Case R 1388/2008-4), relating to opposition proceedings between, on the one hand, Mitteldeutscher Rundfunk and Zweites Deutsches Fernsehen and, on the other hand, Kitzinger & Co. (GmbH & Co. KG).

Operative part

The Court:

1. Dismisses the action;

2. Orders Kitzinger & Co. (GmbH & Co. KG) to pay the costs.