Judgment of the General Court (Sixth Chamber) of 14 September 2011 — K-Mail Order v OHIM — IVKO (MEN'Z)

(Case T-279/10)

(Community trade mark — Opposition proceedings — Application for Community figurative mark MEN'Z — Prior trade name WENZ — Relative ground for refusal — Local range of the earlier sign — Article 8(4) and Article 41(1)(c) 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 unregistered trade mark or other sign used in the course of trade — Local range of the sign (Council Regulation No 207/2009, Art. 8(4)) (see paras 23, 29-30)

Re:

ACTION brought against the decision of the First Board of Appeal of OHIM of 30 March 2010 (Case R 746/2009-1) concerning opposition proceedings between Wenz GmbH and IVKO Industrieprodukt-Vertriebskontakt GmbH.

Operative part

The Court:

1. Dismisses the action;

2. Orders K-Mail Order GmbH & Co. KG to pay the costs.