INFORMATION ON UNPUBLISHED DECISIONS

Reports of Cases

Judgment of the General Court (Fifth Chamber) of 25 January 2012 – Viaguara v OHIM – Pfizer (VIAGUARA)

(Case T-332/10)

(Community trade mark — Opposition proceedings — Application for Community word mark 'VIAGUARA' — Earlier Community word mark VIAGRA — Unfair advantage taken of the distinctive character or the repute of the earlier trade mark — Article 8(5) 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 enjoying a reputation — Protection of well-known earlier mark extended to dissimilar goods or services — Conditions — Taking unfair advantage of the distinctive character or repute of the earlier mark (Council Regulation Nº 207/2009, Art. 8(5)) (see paras 30, 42, 53, 79)

Re:

ACTION brought against the decision of the First Board of Appeal of OHIM of 20 May 2010 (Case R 946/2009-1) relating to opposition proceedings between Pfizer Inc. and Viaguara S.A.

Operative part

The Court:

1. Dismisses the action;

2. Orders Viaguara S.A. to pay the costs.