Operative part

The Court:

1. Dismisses the action;

2. Orders Diagnostiko kai Therapeftiko Kentro Athinon 'Ygeia' AE to pay the costs.

Judgment of the General Court (Seventh Chamber) of 18 May 2011 — IIC — Intersport International v OHIM — McKenzie (McKENZIE)

(Case T-502/07)

(Community trade mark — Opposition proceedings — Application for the Community figurative trade mark McKENZIE — Earlier Community figurative and word marks McKINLEY — Relative ground for refusal — 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 50-52)

Re:

ACTION brought against the decision of the Second Board of Appeal of OHIM of 15 October 2007 (Case R 1425/2006-2) relating to opposition proceedings between The McKenzie Corporation Ltd and IIC — Intersport International Corp. GmbH.

Information relating to the case

Applicant for the Community trade mark:	The McKenzie Corporation Ltd
Community trade mark sought:	Community figurative mark McKENZIE for goods and services in Classes 18, 25, 36 and 37 — Application No 2664423
Proprietor of the mark or sign cited in the opposition proceedings:	IIC — Intersport International Corp. GmbH
Mark or sign cited in opposition:	Earlier Community figurative mark MCKINLEY for goods and services in Classes 18, 20, 22, 25 and 28 and the earlier Community word mark MCKINLEY for goods and services in Classes 12, 18, 20, 22, 25 and 28
Decision of the Opposition Division:	Opposition upheld in part
Decision of the Board of Appeal:	Opposition dismissed in its entirety; registration allowed

Operative part

The Court:

1. Dismisses the action;

2. Orders IIC-Intersport International Corp. GmbH to pay the costs.