



TRIBUNAL DE PRIMERA INSTANCIA DE LAS COMUNIDADES EUROPEAS  
SUD PRVNÍHO STUPNĚ EVROPSKÝCH SPOLEČENSTVÍ  
DE EUROPÆISKE FÆLLESSKABERS RET I FØRSTE INSTANS  
GERICHT ERSTER INSTANZ DER EUROPÄISCHEN GEMEINSCHAFTEN  
EUROOPA ÜHENDUSTE ESIMESE ASTME KOHUS  
ΠΡΩΤΟΔΙΚΕΙΟ ΤΩΝ ΕΥΡΩΠΑΪΚΩΝ ΚΟΙΝΟΤΗΤΩΝ  
COURT OF FIRST INSTANCE OF THE EUROPEAN COMMUNITIES  
TRIBUNAL DE PREMIÈRE INSTANCE DES COMMUNAUTÉS EUROPÉENNES  
CÚIRT CHÉADCHÉIME NA GCÓMHPHOBAL EORPACH  
TRIBUNALE DI PRIMO GRADO DELLE COMUNITÀ EUROPEE  
EIROPAS KOPIENU PIRMĀS INSTANCES TIESA

EUROPOS BENDRIŲ PIRMOSIOS INSTANCIJOS TEISMAS  
EURÓPAI KÖZÖSSÉG EK ELSŐFOKÚ BÍRÓSÁGA  
İL-QORT TAL-PRIMĪSTANZA TAL-KOMUNITAJIET EWROPEJ  
GERECHT VAN EERSTE AANLEG VAN DE EUROPESE GEMEENSCHAPPEN  
SĄD PIERWSZEJ INSTANCIJ WSPÓLNOT EUROPEJSKICH  
TRIBUNAL DE PRIMEIRA INSTÂNCIA DAS COMUNIDADES EUROPEIAS  
SÚD PRVÉHO STUPŇA EURÓPSKYCH SPOLOČENSTEV  
SODIŠČE PRVE STOPNJE EVROPSKIH SKUPNOSTI  
EUROOPAN YHTEISÖJEN ENSIMMÄISEN OIKEUSASTEEN TUOMIOISTUIN  
EUROPEISKA GEMENSKAPERNAS FÖRSTAINSTANSRÄTT

## Press and Information

### PRESS RELEASE No 105/05

8 December 2005

Judgment of the Court of First Instance in Case T-29/04

*Castellblanch, SA v Office for Harmonisation in the Internal Market (OHIM) - Champagne Louis Roederer SA*

### **THE COURT OF FIRST INSTANCE DISMISSES THE ACTION BROUGHT AGAINST OHIM'S DECISION REFUSING TO REGISTER THE MARK CRISTAL CASTELLBLANCH**

*There is a likelihood of confusion with the mark CRISTAL of Champagne Louis Roederer SA.*

Castellblanch SA produces cava, which is the Spanish equivalent of champagne. It applied to OHIM to register a figurative sign made up of a picture of a castle and the words 'cristal' and 'castellblanch', placed together in an oval frame formed by a dotted line as a Community trade mark for Spanish sparkling wines of the cava variety. The word 'castellblanch' is written in bold letters which are bigger than the letters in the word 'cristal'.

Champagne Louis Roederer SA filed a notice of opposition to registration of the mark applied for. The opposition was based on earlier registrations of the word sign CRISTAL in several Member States.

The Opposition Division of OHIM upheld the opposition based on the earlier French mark. Consequently, the mark CRISTAL CASTELLBLANCH could not be registered. The Board of Appeal dismissed the appeal against that decision brought by Castellblanch SA, which therefore brought the matter before the Court of First Instance of the European Communities.

#### **The Court of First Instance dismisses the action brought by Castellblanch.**

The Court of First Instance, first, dismisses Castellblanch's allegations concerning use by Champagne Louis Roederer SA of the mark CRISTAL in a form differing from that under which it was registered. It points out that in this case several signs are used simultaneously without altering the distinctive character of the registered sign. The combination of the word 'cristal' with the denomination 'Louis Roederer', the letters 'lr' and the accompanying figurative elements is a common commercial practice which does not undermine the function of the mark CRISTAL as a means of identifying the products at issue.

Next, the Court of First Instance observes that there is a likelihood of confusion between two signs when the public might believe that the goods or services in question come from the same undertaking or, as the case may be, from economically-linked undertakings. It must be assessed globally, according to the perception of the relevant public and taking into account all factors relevant to the circumstances of the case, in particular the interdependence of the similarity between the signs and between the goods or services.

The Court of First Instance notes that a survey carried out in 1999 shows the renown of the mark CRISTAL for only a part of the relevant public, which is highly specialised in the field, that is to say, professional consumers. However, even though renown or reputation of the earlier mark cannot be found for the whole of the relevant public – the average French consumer who is deemed to be reasonably well informed and reasonably observant and circumspect – there is a likelihood of confusion between the opposing marks given the identity or, at least, the high degree of similarity between the goods in dispute and the similarity of the respective signs.

**REMINDER: An appeal, limited to points of law only, may be brought before the Court of Justice of the European Communities against a decision of the Court of First Instance, within two months of its notification.**

*Unofficial document for media use, not binding on the Court of First Instance.*

*Languages available: ES, FR, EN, DE, PL*

*The full text of the judgment may be found on the Court's internet site*

*<http://curia.eu.int/jurisp/cgi-bin/form.pl?lang=en>*

*It can usually be consulted after midday (CET) on the day judgment is delivered.*

*For further information, please contact Christopher Fretwell*

*Tel: (00352) 4303 3355 Fax: (00352) 4303 2731*