



Press and Information

General Court of the European Union  
**PRESS RELEASE No 106/13**  
Luxembourg, 16 September 2013

Judgment in Case T-250/10  
Knut IP Management Ltd v OHIM

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## **The General Court settles the dispute concerning the trade mark KNUT – DER EISBÄR in favour of Berlin Zoo**

*As a result of the likelihood of confusion with the earlier German trade mark KNUD, the Community trade mark office was correct to refuse registration of KNUT – DER EISBÄR as a Community trade mark for the British undertaking Knut IP Management Ltd*

Knut is the name of a famous polar bear, born on 5 December 2006 in Berlin Zoo, which enjoyed wide coverage in the media in Germany and beyond.

In April 2007, the British undertaking Knut IP Management Ltd applied to the Community trade mark office (OHIM) for registration of the word sign KNUT – DER EISBÄR as a Community trade mark for, inter alia, paper and cardboard goods, clothing, shoes and helmets, sports articles and activities.

Berlin Zoo (Zoo Berlin) opposed that application by claiming that there is a likelihood of confusion with the earlier trade mark KNUD, for which it holds a licence, and which is registered in Germany for, inter alia, books, games, toys and dolls. A likelihood of confusion exists where the public could believe that the goods or services with respect to which the trade marks at issue are used come from the same undertaking or from economically-linked undertakings.

OHIM upheld that opposition. As a result, first, of the similarity of the signs KNUD and KNUT – DER EISBÄR, and, secondly, of the identity or at least similarity of the goods and services at issue, there exists indeed a likelihood of confusion in German-speaking regions.

By today's judgment, the Court dismisses the action which Knut IP Management Ltd brought against the decision of OHIM.

In the light of the fact that, first, the goods and services at issue are, in part, identical and, in part, similar and, secondly, that the disputed signs, considered as a whole, have major similarities as a result, inter alia, of the fact that the relevant public will remember in particular the identical beginning of the trade marks, in this case, the elements 'knud' and 'knut', OHIM could validly conclude that there does not exist, on the part of the relevant public, a sufficient difference between those signs allowing any likelihood of confusion between the earlier mark and the mark applied for to be avoided.

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**NOTE:** An appeal, limited to points of law only, may be brought before the Court of Justice against the decision of the General Court within two months of notification of the decision.

**NOTE:** An action for annulment seeks the annulment of acts of the institutions of the European Union that are contrary to European Union law. The Member States, the European institutions and individuals may, under certain conditions, bring an action for annulment before the Court of Justice or the General Court. If the action is well founded, the act is annulled. The institution concerned must fill any legal vacuum created by the annulment of the act.

**NOTE:** Community trade marks are valid throughout the European Union and co-exist with national trade marks. Applications for registration of a Community trade mark are sent to OHIM. Actions against its decisions may be brought before the General Court.

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*Unofficial document for media use, not binding on the General Court.*

*The [full text](#) of the judgment is published on the CURIA website on the day of delivery*

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