



Press and Information

General Court of the European Union
PRESS RELEASE No 91/18
Luxembourg, 26 June 2018

Judgment in Case T-71/17
France.com, Inc. v EUIPO

The sign ‘france.com’ cannot be registered as an EU trade mark

In 2014, Mr Jean-Noël Frydman, who subsequently assigned his rights to the American company France.com, applied to the European Union Intellectual Property Office (EUIPO) for registration of the following figurative sign as an EU trade mark in respect of advertising services, services relating to travel and online publications:



France then filed a notice of opposition based on the following EU trade mark, which it had registered with EUIPO in 2010:



EUIPO upheld France's opposition. It found that the signs at issue were highly similar overall and covered identical or similar services, and that a likelihood of confusion could not therefore be ruled out.

As it was not satisfied with EUIPO's decision, France.com seeks the annulment of that decision before the General Court.

By today's judgment, the Court dismisses the action brought by France.com, thereby confirming that that company's sign cannot be registered as an EU trade mark.

The Court reviews, *inter alia*, EUIPO's analysis of the comparison of the signs at issue and whether there is a likelihood of confusion. As regards the visual comparison of the signs, the Court takes the view, contrary to that of EUIPO, that, given the differences between their features and the general way in which they are set out visually, the signs at issue, considered as a whole, are

only slightly visually similar. From a phonetic standpoint, the Court confirms EUIPO's assessment that the signs at issue are almost identical, because it can be assumed that many consumers will refer to the sign of France.com by the word 'France' alone, the abbreviation '.com' being perceived as referring to a website. Finally, the Court finds, as did EUIPO, that the signs at issue are conceptually similar, as they convey the same concept (namely France, the Eiffel tower and the colours of the French flag), the presence of the word element '.com' in the sign of France.com having no bearing on whether the signs are conceptually the same.

In the light of the fact that the signs at issue cover identical or similar services and have a particularly high degree of phonetic and conceptual similarity, the Court finds that there is a likelihood of confusion. It follows that, as EUIPO decided, France is entitled to oppose registration of the sign france.com.

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 EU 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.

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

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