

OPPOSITION No B 3 229 304

Chanel SAS, société par actions simplifiée, 135, avenue Charles de Gaulle, 92200 Neuilly sur Seine, France (opponent), represented by **Noelia Martinez**, 135 avenue Charles de Gaulle, 92200 Neuilly sur Seine, France (employee)

a g a i n s t

Chuanli Xing, No. 5 Hewan Village, Dongshuanghe Town, Shihe District, Xinyang City, Henan Province, China (applicant), represented by **Intermark Patentes y Marcas, S.L.P. (also trading as Lidermark Patentes y Marcas)**, C/Obispo Frutos, 1B 2ºA, 30003 Murcia, Spain (professional representative)

On 16/09/2025, the Opposition Division takes the following

DECISION:

1. Opposition No B 3 229 304 is upheld for all the contested goods.
2. European Union trade mark application No 19 070 168 is rejected in its entirety.
3. The applicant bears the costs, fixed at EUR 320.

REASONS

On 28/11/2024, the opponent filed an opposition against all the goods of European Union trade mark application No 19 070 168 for the figurative mark **JNANEL**, namely against all the goods in Class 25. The opposition is based on French trade mark registration No 3 977 083 for the word mark 'CHANEL'.

The opponent invoked Articles 8(1)(b) and 8(5) EUTMR.

LIKELIHOOD OF CONFUSION — ARTICLE 8(1)(b) EUTMR

Pursuant to Article 8(1)(b) EUTMR, a likelihood of confusion exists if there is a risk that the public might believe that the goods or services in question, under the assumption that they bear the marks in question, come from the same undertaking or, as the case may be, from economically linked undertakings. Whether a likelihood of confusion exists depends on the appreciation in a global assessment of several factors, which are interdependent. These factors include the similarity of the signs, the similarity of the goods and services, the distinctiveness of the earlier mark, the distinctive and dominant elements of the conflicting signs, and the relevant public.

a) The goods

The goods on which the opposition is based are the following:

Class 25: *Clothing; headgear.*

The contested goods are the following:

Class 25: *Caps being headwear; skull caps; hats; gloves [clothing]; fingerless gloves; thermal gloves for touchscreen devices; muffs [clothing]; neck tube scarves; scarves; mittens.*

Contested goods in Class 25

The contested *caps being headwear; skull caps; hats* are included in the broad category of the opponent's *headgear*. Therefore, they are identical.

The contested *gloves [clothing]; fingerless gloves; thermal gloves for touchscreen devices; muffs [clothing]; neck tube scarves; scarves; mittens* are included in the broad category of the opponent's *clothing*. Therefore, they are identical.

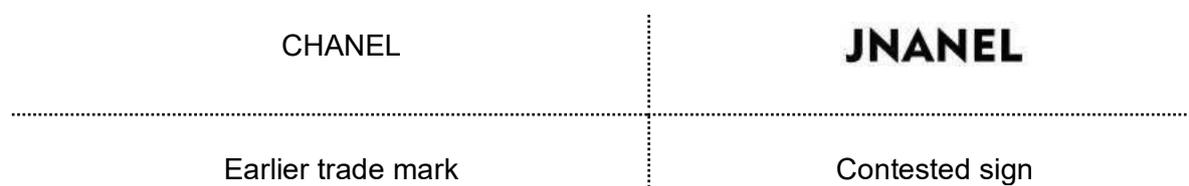
b) Relevant public — degree of attention

The average consumer of the category of products concerned is deemed to be reasonably well informed and reasonably observant and circumspect. It should also be borne in mind that the average consumer's degree of attention is likely to vary according to the category of goods or services in question (22/06/1999, C-342/97, Lloyd Schuhfabrik, EU:C:1999:323, § 26).

In the present case, the goods found to be identical target the public at large.

The degree of attention is considered to be average.

c) The signs



The relevant territory is France.

The global appreciation of the visual, aural or conceptual similarity of the marks in question must be based on the overall impression given by the marks, bearing in mind, in particular, their distinctive and dominant components (11/11/1997, C-251/95, Sabèl, EU:C:1997:528, § 23).

The word 'JNANEL' in the contested sign has no meaning and is, therefore, distinctive to a normal degree.

As regards the word 'CHANEL' of which the earlier mark consists, it may be perceived as an unusual surname by a part of the public in the relevant territory but may also be perceived as lacking any meaning by another part of the public in that territory and which cannot be considered to be only negligible. Either way, since the word 'CHANEL' will not be perceived as having any particular meaning in relation to the goods concerned, it is also distinctive to a normal degree.

However, since a conceptual difference between the signs could potentially have an impact on the outcome of the opposition, and since it is not necessary to establish that there is a likelihood of confusion for the whole of the relevant public (20/07/2017, T-521/15, D / D et al., EU:T:2017:536, § 69), the Opposition Division finds it appropriate to focus the comparison of the signs on the, at least, non-negligible part of the public in the relevant territory that will perceive both 'JNANEL' and 'CHANEL' as conveying no meaning.

Visually, both signs consist of a word with six letters where they coincide in the last four in the same order, namely 'ANEL'. However, they differ in their initial two letters 'CH' and 'JN' respectively. Although that must be considered to constitute a perceptible difference between the signs, in particular since that difference is present at their respective beginnings, it must also be borne in mind that the overall impression of the marks has to be taken into account since the average consumer normally perceives a mark as a whole and does not engage in an analysis of its various details (12/06/2007, C-334/05 P, LIMONCELLO/LIMONCHELO, EU:C:2007:333, § 35).

Furthermore, the General Court has confirmed that what matters in the assessment of the visual similarity of two word marks is the presence, in each of them, of several letters in the same order (25/03/2009, T-402/07, ARCOL / CAPOL, EU:T:2009:85, § 83; 04/03/2010, C-193/09 P, ARCOL / CAPOL, EU:C:2010:121; 08/09/2021, T-584/20, Korsuva / Arosuva, EU:T:2021:541, § 27; 07/06/2023, T-227/22, Cylus / Cylance, EU:T:2023:306, § 53). Moreover, the stylisation of the verbal element in the contested sign is limited to a standard bold typeface that will have no particular impact on the overall impression produced by the contested sign on consumers.

Therefore, the signs are visually similar at least to a below average degree overall.

Aurally, the earlier mark will be pronounced as 'CHA-NEL' whereas the contested sign is likely to be pronounced as 'J-NA-NEL'. Therefore, the signs coincide in the identical sound of their respective last syllable 'NEL'. Furthermore, even if the earlier mark will be pronounced in two syllables whereas the contested sign is likely to be pronounced in three, it should also be borne in mind that the letters 'CH' are pronounced as [tʃ] whereas the letter 'J' is likely to be pronounced as [ʒi] and those letters will thus share some aural similarity between them. Moreover, the sound of the letter 'A' in the earlier mark and the letters 'NA' in the contested sign also share an aural similarity. In addition, the pronunciation of the earlier mark in two syllables and the contested sign in three syllables does not, in the present case, have a significant impact on the rhythm and intonation of those words.

Therefore, the signs are aurally similar to an above average degree.

Conceptually, neither of the signs has a meaning for the part of the public under analysis in the relevant territory. Since a conceptual comparison is not possible, the conceptual aspect does not influence the assessment of the similarity of the signs.

d) Distinctiveness of the earlier mark

The distinctiveness of the earlier mark is one of the factors to be taken into account in the global assessment of likelihood of confusion.

According to the opponent, the earlier mark has been subject to intensive and long-standing use, starting more than 100 years ago, and enjoys a very strong reputation in the relevant territory. Therefore, the earlier mark has allegedly a particularly high distinctive character. However, for reasons of procedural economy, the evidence filed by the opponent to prove this claim does not have to be assessed in the present case (see below in 'Global assessment').

Consequently, the assessment of the distinctiveness of the earlier mark will rest on its distinctiveness per se. In the present case, the earlier trade mark has no meaning for the goods in question from the perspective of the public under analysis in the relevant territory. Therefore, the distinctiveness of the earlier mark must be seen as normal.

e) Global assessment, other arguments and conclusion

Evaluating likelihood of confusion implies some interdependence between the relevant factors and, in particular, a similarity between the marks and between the goods or services. Therefore, a lesser degree of similarity between goods and services may be offset by a greater degree of similarity between the marks and vice versa (29/09/1998, C-39/97, Canon, EU:C:1998:442, § 17).

Likelihood of confusion covers situations where the consumer directly confuses the trade marks themselves, or where the consumer makes a connection between the conflicting signs and assumes that the goods/services covered are from the same or economically linked undertakings (29/09/1998, C-39/97, Canon, EU:C:1998:442, § 29).

Account should also be taken of the fact that average consumers rarely have the chance to make a direct comparison between different marks but must trust in their imperfect recollection of them (22/06/1999, C-342/97, Lloyd Schuhfabrik, EU:C:1999:323, § 26).

In the present case, the goods concerned are identical and the degree of attention of the relevant public is average.

If there is identity between the goods, such a finding would imply, that, if there is to be no likelihood of confusion, the degree of difference between the marks at issue must be high (13/11/2012, T-555/11, tesa TACK (fig.) / TACK et al., EU:T:2012:594, § 53 and the case-law cited therein).

In this respect, the inherent distinctiveness of the earlier mark is normal and the signs have been found to be visually similar at least to a below average degree and aurally similar to an above average degree. Furthermore, for the part of the public under analysis, there is no conceptual difference between the signs that could otherwise potentially help the consumers to more easily distinguish between them.

Therefore, in view of the overall similarities between the signs and bearing in mind the principles of interdependence and imperfect recollection as set out above, the part of the public under analysis is likely to believe that the identical goods concerned, offered under the signs in dispute, originated from the same undertaking, or from economically linked undertakings as the case may be.

Considering all the above, there is a likelihood of confusion on the, at least, non-negligible part of the public in the relevant territory that will perceive both 'CHANEL' and 'JNANEL' as lacking any meaning. As stated above in section c) of this decision, a likelihood of confusion for only a non-negligible part of the public of the relevant territory is sufficient to reject the contested application. As a result, there is no need to analyse the remaining part of the public.

Therefore, the opposition is well founded on the basis of the opponent's French trade mark registration No 3 977 083. It follows that the contested trade mark must be refused for all the contested goods and thus be rejected in its entirety.

Since the opposition is successful on the basis of the inherent distinctiveness of the earlier mark, there is no need to assess the enhanced degree of distinctiveness of the opponent's mark due to its intensive use and reputation as claimed by the opponent. The result would be the same even if the earlier mark enjoyed an enhanced degree of distinctiveness.

Likewise, since the opposition is fully successful on the basis of the ground of Article 8(1)(b) EUTMR, there is no need to further examine the other ground of the opposition, namely Article 8(5) EUTMR.

COSTS

According to Article 109(1) EUTMR, the losing party in opposition proceedings must bear the fees and costs incurred by the other party.

Since the applicant is the losing party, it must bear the opposition fee as well as the costs incurred by the opponent in the course of these proceedings.

According to Article 109(1) and (7) EUTMR and Article 18(1)(c)(i) EUTMIR, the costs to be paid to the opponent are the opposition fee and the costs of representation, which are to be fixed on the basis of the maximum rate set therein. In the present case, the opponent did not appoint a professional representative within the meaning of Article 120 EUTMR and therefore did not incur representation costs.



The Opposition Division

Martina GALLE

Sam GYLLING

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According to Article 67 EUTMR, any party adversely affected by this decision has a right to appeal against this decision. According to Article 68 EUTMR, notice of appeal must be filed in writing at the Office within two months of the date of notification of this decision. It must be filed in the language of the proceedings in which the decision subject to appeal was taken. Furthermore, a written statement of the grounds for appeal must be filed within four months of the same date. The notice of appeal will be deemed to have been filed only when the appeal fee of EUR 720 has been paid.