

Risk of Confusion

Standard: The averagely informed, attentive and reasonable consumer (ECJ, GRUR Int. 1999, 734, 736 - *Lloyd*).

Interaction

- Similarity of signs
- Similarity of goods and services
- Distinctiveness

1. Similarity of signs

Sound *or* image *or* sense

2. Similarity of goods and services

Criteria: Type of goods, purpose, use, specific nature as competing or complementary goods, same distribution channel.

3. Distinctiveness

The stronger a trademark, the larger its scope of protection

Not static, but can change:

- *Increase* due to intensive use
- *Weakening* by third characters