

Decision of the Opposition Division: Opposition rejected

Decision of the Board of Appeal: Appeal dismissed

Pleas in law: Infringement of Article 8(1)(b) of Regulation No 207/2009

Action brought on 22 May 2013 — Nutrexpa v OHIM — Kraft Foods Italia Intellectual Property (Cuétara MARÍA ORO)

(Case T-271/13)

(2013/C 215/20)

Language in which the application was lodged: Spanish

Parties

Applicant: Nutrexpa, SL (Barcelona, Spain) (represented by: J. Grau Mora, M. Ferrándiz Avendaño and Y. Sastre Canet, lawyers)

Defendant: Office for Harmonisation in the Internal Market (Trade Marks and Designs)

Other party to the proceedings before the Board of Appeal: Kraft Foods Italia Intellectual Property Srl (Milan, Italy)

Form of order sought

The applicant claims that the General Court should:

- annul the decision of the First Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) of 18 March 2013 in Case R 1285/2012-1, whereby it rejected the application for registration of Community figurative trade mark No 9 056 045 ‘Cuétara MARÍA ORO’ for ‘Preserved and dried fruits; preserved, dried and cooked vegetables’ (Class 29) and ‘Flour and preparations made from cereals, bread, pastry and confectionery, ices; biscuits’ (Class 30), which should consequently be registered by OHIM;
- order OHIM to pay the costs.

Pleas in law and main arguments

Applicant for a Community trade mark: The applicant

Community trade mark concerned: Figurative mark containing the word elements ‘Cuétara MARÍA ORO’ for goods in Classes 5,

29 and 30 — Application for registration of Community trade mark No 9 056 045

Proprietor of the mark or sign cited in the opposition proceedings: Kraft Foods Italia Intellectual Property Srl

Mark or sign cited in opposition: National and Community figurative marks containing the word element ‘ORO’ for goods in Classes 29 and 30

Decision of the Opposition Division: Opposition upheld in part

Decision of the Board of Appeal: Appeal dismissed

Pleas in law: Breach of Article 8(1)(b) of Regulation No 207/2009

Action brought on 24 May 2013 — Golam v OHIM — meta Fackler Arzneimittel (METABIOMAX)

(Case T-281/13)

(2013/C 215/21)

Language in which the application was lodged: Greek

Parties

Applicant: Sofia Golam (Athens, Greece) (represented by: N. Trovas, lawyer)

Defendant: Office for Harmonisation in the Internal Market (Trade Marks and Designs)

Other party to the proceedings before the Board of Appeal: meta Fackler Arzneimittel GmbH (Springe, Germany)

Form of order sought

The applicant claims that the General Court should:

- uphold the present action, so as to annul the decision of the Second Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) of 14 March 2013 in Case R 2022/2011-2;
- reject the opposition of the other party before the Board of Appeal and grant the application lodged by the applicant in its entirety;
- order the other party before the Board of Appeal to pay the applicant the costs of the present proceedings.