

<i>Pleas in law and main arguments:</i>		The other party to the proceedings before the Board of Appeal was Marcorossi Srl.
Applicant for registration of the Community trade mark:	Monte di Massima s.a.s.	The applicant claims that the Court should:
Community trade mark applied for:	Figurative mark VALLE DELLA LUNA — Application for registration No 2 029 726 for goods in Class 32 (water, syrups, beers and non-alcoholic drinks)	1. annul the contested decision which is the subject-matter of the dispute; 2. order the defendant to pay the costs.
Owner of the mark or sign cited in the opposition proceedings:	J. M. Höffele Internationale Handelsgesellschaft	<i>Pleas in law and main arguments:</i>
Mark or sign cited in the opposition proceedings:	German word mark VALLE DE LA LUNA for goods in Class 33 (wines)	Applicant for registration of the Community trade mark: Marcorossi Srl.
Decision of the Opposition Division:	Opposition refused	Community trade mark applied for: Word mark MARCOROSSO — Application for registration No 1 405 869 for goods in Class 18 (bags, cases, small leather goods, wallets, holdalls, umbrellas) and 25 (footwear, belts, clothing)
Decision of the Board of Appeal	Appeal allowed	Owner of the mark or sign cited in the opposition proceedings: Sergio Rossi SpA
Pleas in law:	Misapplication of Article 15(2)(a) of Regulation No 40/94 on the Community trade mark	Mark or sign cited in the opposition proceedings: Italian trade mark and international registration MISS ROSSI for goods in Class 25, Italian trade mark SERGIO ROSSI for footwear in Class 25, and Community trade mark SERGIO ROSSI for goods in Classes 3, 18 and 25
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<b>Action brought on 22 February 2005 by Sergio Rossi SpA against the Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM)</b>		Decision of the Opposition Division: Opposition allowed
<b>(Case T-97/05)</b>		Decision of the Board of Appeal: Appeal allowed and opposition refused
(2005/C 115/50)		Pleas in law: Misapplication of Article 8 of Regulation No 40/94 on the Community trade mark, inasmuch as the trade marks which are the subject-matter of the contested decision are to be regarded as incompatible with that provision.
(Language of the case: Italian)		

An action against the Office for Harmonisation in the Internal Market (Trade Marks and Designs) was brought before the Court of First Instance of the European Communities on 22 February 2005 by Sergio Rossi SpA, represented by Alessandro Ruo, lawyer.

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