

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

*Other party to the proceedings before the Board of Appeal of OHIM:* Sociedad Cooperativa del Campo San Ginés

#### Form of order sought

— The annulment of the decision of 6 November 2006 of the 2nd Board of Appeal of OHIM issued in case R36/2006-2 with costs awarded against OHIM

#### Pleas in law and main arguments

*Applicant for a Community trade mark:* Sociedad Cooperativa del Campo San Ginés

*Community trade mark concerned:* Word mark 'TORRE DE BENITEZ' for products in class 33 (application No. 2.438.018)

*Proprietor of the mark or sign cited in the opposition proceedings:* Applicant

*Mark or sign cited in opposition:* International or national trade marks under the word mark 'Torres' for products in class 33, numerous other Community, international and national trade marks

*Decision of the Opposition Division:* Rejection of the opposition

*Decision of the Board of Appeal:* Rejection of the appeal

*Pleas in law:* Infringement of Article 8(1)(b) of Regulation (EC) 40/94 <sup>(1)</sup> given that there is a likelihood of confusion between the trade marks at issue

<sup>(1)</sup> Council Regulation (EC) No 40/94 of 20 December 1993 on the Community trade mark.

*Other party to the proceedings before the Board of Appeal of OHIM:* Bodegas Navarro López, S.L.

#### Form of order sought

— The annulment of the decision of the 1st Board of Appeal of OHIM of 26 September 2006 issued in case no R1407/2005-1 with costs awarded against OHIM

#### Pleas in law and main arguments

*Applicant for a Community trade mark:* Bodegas Navarro López, S.L.

*Community trade mark concerned:* Word mark 'CITA DEL SOL' for products and services within classes 33 and 39 (application No. 2.712.982)

*Proprietor of the mark or sign cited in the opposition proceedings:* Applicant

*Mark or sign cited in opposition:* Community word mark 'VIÑA SOL' (mark no 462.523) and national word marks 'VIÑA SOL' for products within class 33, label 'TORRES VIÑA SOL' for products within class 33, national word mark 'SOL' for products within class 33.

*Decision of the Opposition Division:* Rejection of objection

*Decision of the Board of Appeal:* Rejection of appeal

*Pleas in law:* Infringement of Article 8(1)(b) of Regulation (EC) No 40/94 <sup>(1)</sup> given that there is a likelihood of confusion between the marks at issue.

<sup>(1)</sup> Council Regulation (EC) No 40/94 of 20 December 1993 on the Community trade mark.

**Action brought on 16 January 2007 — Miguel Torres, S.L. v OHIM**

(Case T-17/07)

(2007/C 82/87)

*Language in which the application was lodged:* Spanish

#### Parties

*Applicant:* Miguel Torres, S.L. (Barcelona, Spain) (represented by: E. Armijo Chávarri, M. Baz de San Cerefino, A. Castán Pérez-Goméz, lawyers)

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

**Action brought on 6 February 2007 — ThyssenKrupp Stainless v Commission**

(Case T-24/07)

(2007/C 82/88)

*Language of the case:* German

#### Parties

*Applicant:* ThyssenKrupp Stainless AG (Duisburg, Germany) (represented by: M. Klusmann and S. Thomas)

*Defendant:* Commission of the European Communities