

Judgment of the General Court of 14 May 2013 — Morelli v OHIM — Associazione nazionale circolo del popolo della libertà et Brambilla (PARTITO DELLA LIBERTA')

(Case T-321/11 and 322/11) ⁽¹⁾

(Community trade mark — Opposition proceedings — Application for a Community word mark PARTITO DELLA LIBERTA' and the Community figurative mark Partito della Libertà — Name of the earlier national domain name 'partitodellaliberta.it' — Article 8(4) of Regulation (EC) No 207/2009 — Failure to demonstrate the use of the earlier domain name 'partitodellaliberta.it' in the course of trade)

(2013/C 178/15)

Language of the case: Italian

Parties

Applicant: Raffaello Morelli (Rome, Italy) (represented by: G. Brenelli, lawyer)

Defendant: Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by: P. Bullock, Agent)

Other parties to the proceedings before the Board of Appeal of OHIM: Associazione nazionale circolo del popolo della libertà (Milan, Italy) (Case T-321/11); and Michela Vittoria Brambilla (Milan) (Case T-322/11) (represented by: P. Tarchini, G. Sena and C.M. Furlani, lawyers)

Re:

Actions brought against the decisions of the First Board of Appeal of OHIM of 17 March 2011 (Cases R 1303/2010-1 and R 1304/2010-1) relating to opposition proceedings between Mr Raffaello Morelli, and, respectively, l'Associazione nazionale circolo del popolo della libertà and Mrs Michela Vittoria Brambilla.

Operative part of the judgment

The Court:

1. Joins Cases T-321/11 and T-322/11 for the purposes of the judgment;
2. Dismisses the actions;
3. Orders Mr Raffaello Morelli to pay the costs.

⁽¹⁾ OJ C 238, 13.8.2011.

Judgment of the General Court of 14 May 2013 — Masottina v OHIM — Bodegas Cooperativas de Alicante (CA'MARINA)

(Case T-393/11) ⁽¹⁾

(Community trade mark — Opposition proceedings — Application for Community word mark CA' MARINA — Earlier Community word mark MARINA ALTA — Relative ground for refusal — Similarity of the signs — Article 8(1)(b) of Regulation (EC) No 207/2009)

(2013/C 178/16)

Language of the case: English

Parties

Applicant: Masottina SpA (Cornigliano, Italy) (represented by: N. Schaeffer, lawyer)

Defendant: Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by: A. Folliard-Monguiral, acting as Agent)

Other party to the proceedings before the Board of Appeal of OHIM: Bodegas Cooperativas de Alicante, Coop. V. (Petrel, Spain)

Re:

Action seeking the annulment of the decision of the First Board of Appeal of OHIM of 4 May 2011 (Case R 518/2010-1), relating to opposition proceedings between Bodegas Cooperativas de Alicante, Coop. V. and Masottina SpA.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Masottina SpA to pay the costs.

⁽¹⁾ OJ C 282, 24.9.2011.