

**Pleas in law and main arguments**

*Registered Community trade mark in respect of which a declaration of invalidity has been sought:* Figurative mark in colours green, red and gold, representing the image of a bovine animal and containing the verbal element 'WISENT' for goods in Classes 32 and 33 — Community trade mark registration No 5 142 039

*Proprietor of the Community trade mark:* The other party to the proceedings before the Board of Appeal

*Applicant for the declaration of invalidity of the Community trade mark:* The applicant

*Grounds for the application for a declaration of invalidity:* The grounds were those laid down in Article 53(1)(a) in conjunction with Article 8(1)(b) and 8(5) of Council Regulation (EC) No 207/2009 of 26 February 2009 on the Community trade mark (CTMR) <sup>(1)</sup>

*Decision of the Cancellation Division:* Declared the contested Community trade mark invalid

*Decision of the Board of Appeal:* Annulled the contested decision

*Pleas in law:* Infringement of Articles 53(1)(a), 8(1)(b), 8(5) in conjunction with 76(1), 75, 76(1) and (2) CTMR.

<sup>(1)</sup> OJ L 78, p. 1

**Action brought on 23 August 2013 — CEDC International v OHIM — Fabryka Wódek Polmos Łañcut (WISENT VODKA)**

(Case T-450/13)

(2013/C 304/40)

*Language in which the application was lodged:* English

**Parties**

*Applicant:* CEDC International sp. z o.o. (Oborniki Wielkopolskie, Poland) (represented by: M. Siciarek, lawyer)

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

*Other party to the proceedings before the Board of Appeal:* Fabryka Wódek Polmos Łañcut S.A. (Łañcut, Poland)

**Form of order sought**

The applicant claims that the Court should:

- Annul the decision of the Fourth Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) of 10 June 2013 given in Case R 1734/2011-4;
- Order the defendant and the other party to the proceedings before the Board of Appeal to pay the costs of proceedings.

**Pleas in law and main arguments**

*Applicant for a Community trade mark:* The other party to the proceedings before the Board of Appeal

*Community trade mark concerned:* Figurative mark in colours red, green, gold and black representing the image of a bovine animal and containing the verbal elements 'WISENT VODKA' for goods in Class 33 — Community trade mark application No 7 044 472

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

*Mark or sign cited in opposition:* Polish trademarks Nos 86 410, 80 990, 80 991, 46 050, 208 988, 125 911, 189 866, 208 090, 62 081 registered for 'alcoholic beverages' in Class 33, Community trade mark No 5 585 138 for the figurative mark in colours black and white containing the verbal element 'ŻUBRÓWKA' and Community trade mark No 6 215 719 for the 3D mark in colours black and white containing the verbal element 'ŻUBRÓWKA', registered for 'alcoholic beverages (except beers)' in Class 33

*Decision of the Opposition Division:* Upheld the opposition and rejected the application for Community trade mark registration

*Decision of the Board of Appeal:* Annulled the contested decision and rejected the opposition

*Pleas in law:* Infringement of Article 8(1)(b) and (5) of Council Regulation (EC) No 207/2009 of 26 February 2009 on the Community trade mark (CTMR) <sup>(1)</sup>.

<sup>(1)</sup> OJ L 78, p. 1

**Action brought on 30 August 2013 — Kingdom of Spain v Commission**

(Case T-461/13)

(2013/C 304/41)

*Language of the case:* Spanish

**Parties**

*Applicant:* Kingdom of Spain (represented by: A. Rubio González)

*Defendant:* European Commission

**Form of order sought**

The applicant claims that the Court should:

- annul the contested decision;
- order the defendant to pay the costs.