

**Action brought on 21 October 2013 — MHCS v OHIM —  
Compañía Vinícola del Norte de España (ICE IMPERIAL)**

(Case T-555/13)

(2013/C 377/41)

*Language in which the application was lodged: English*

**Parties**

*Applicant:* MHCS (Epernay, France) (represented by: P. Boutron, N. Moya Fernández and L.-É. Balleydier, lawyers)

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

*Other party to the proceedings before the Board of Appeal:* Compañía Vinícola del Norte de España, SA (La Guardia, Spain)

**Form of order sought**

The applicant claims that the Court should:

- Annul the decision of the Second Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) of 14 August 2013 given in Case R 2588/2011-2;
- Grant Community trade mark application No 8 837 379 for the word mark 'ICE IMPERIAL' for goods in Class 33;
- Order the defendant and the intervener to pay the costs of the present proceedings, as well as those incurred during the proceedings before the OHIM.

**Pleas in law and main arguments**

*Applicant for a Community trade mark:* The applicant

*Community trade mark concerned:* The word mark 'ICE IMPERIAL' for goods and services in Classes 32, 33 and 43 — Community trade mark application No 8 837 379

*Proprietor of the mark or sign cited in the opposition proceedings:* The other party to the proceedings before the Board of Appeal

*Mark or sign cited in opposition:* Community trade mark registration No 237 875 of the figurative mark for 'all kinds of wine except sparkling wine and sherry' in Class 33; Spanish trade mark registration No 95 020 of the figurative mark for 'any class of wines except sparkling wine and sherry wine' in Class 33; Spanish trade mark registration No 1 508 304 of the word mark 'IMPERIAL' for 'wines' in Class 33

*Decision of the Opposition Division:* Upheld the opposition for all the contested goods

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

*Pleas in law:* Infringement of Article 42(2) and (3) CTMR and Rule 22(3) of Commission Regulation (EC) No 2868/95 of 13 December 1995.

**Action brought on 6 November 2013 — Istituto Di  
Vigilanza Dell'Urbe v Commission**

(Case T-579/13)

(2013/C 377/42)

*Language of the Procedure: Italian*

**Parties**

*Applicant:* Istituto Di Vigilanza Dell'Urbe SpA (Rome, Italy) (represented by: D. Dodaro and S. Cianciullo, lawyers)

*Defendant:* European Commission

**Form of order sought**

The applicant claims that the Court should:

- find that the tender of the successful tenderer, Città di Roma Metronotte s.r.l., fails to comply with the *lex specialis* governing tenders and in particular with point 5.2 of the specifications under which the tenders should have been drawn up in accordance 'with European and national law concerning the transfer of undertakings and in particular with Directive 2001/23/EC and with the national measures implementing that directive' with regard in particular to the 'provisions for the safeguarding of employees' rights in the event of a change of employer as a result of the legal transfer of an undertaking';
- find that the tender submitted by the Città di Roma Metronotte s.r.l. objectively infringes the principles of equal treatment and of competition, and is therefore contrary to the provisions contained in Commission Delegated Regulation (EU) No 1268/2012 of 29 October 2012 on the rules of application of Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council on the financial rules applicable to the general budget of the Union, Recital 42 of the preamble to which states that '[t]he purpose of the procedures for the award of contracts is to satisfy the needs of the institutions on the best possible terms while guaranteeing equal access to public contracts and complying with the principles of transparency and non-discrimination';