

Action brought on 20 November 2013 — Levi Strauss v OHIM — L&O Hunting Group (101)

(Case T-604/13)

(2014/C 24/58)

*Language in which the application was lodged: English***Parties***Applicant:* Levi Strauss & Co. (San Francisco, United States) (represented by: V. von Bomhard and J. Schmitt, lawyers)*Defendant:* Office for Harmonisation in the Internal Market (Trade Marks and Designs)*Other party to the proceedings before the Board of Appeal:* L&O Hunting Group GmbH (Isny im Allgäu, Germany)**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 6 September 2013 given in Case R 1538/2012-2;
- Order that the costs of the proceedings be borne by the defendant and the intervener, in case it was to intervene.

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:* The word mark '101' for goods in Classes 13, 25 and 28 — Community trade mark application No 9 446 634*Proprietor of the mark or sign cited in the opposition proceedings:* The applicant*Mark or sign cited in opposition:* Community trade mark registration No 26 708 of the word mark '501' for goods in Classes 16, 18 and 25*Decision of the Opposition Division:* Rejected the opposition in its entirety*Decision of the Board of Appeal:* Dismissed the appeal*Pleas in law:* Infringement of Articles 8(1)(b) and 8(5) CTMR.**Action brought on 21 November 2013 — Alma — The Soul of Italian Wine v OHIM — Miguel Torres (SOTTO IL SOLE ITALIANO SOTTO il SOLE)**

(Case T-605/13)

(2014/C 24/59)

*Language in which the application was lodged: English***Parties***Applicant:* Alma — The Soul of Italian Wine LLLP (Bal Harbor, United States) (represented by: F. Terrano, lawyer)*Defendant:* Office for Harmonisation in the Internal Market (Trade Marks and Designs)*Other party to the proceedings before the Board of Appeal:* Miguel Torres, SA (Vilafranca del Penedès, 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 10 September 2013 given in Case R 18/2013-2;
- Order the defendant to pay the costs of proceedings.

Pleas in law and main arguments*Applicant for a Community trade mark:* The applicant*Community trade mark concerned:* The figurative mark containing the verbal elements 'SOTTO IL SOLE ITALIANO SOTTO il SOLE' — Community trade mark application No 9 784 539*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 registrations Nos 462 523, 6 373 971 and Spanish trade mark registrations Nos 152 231, 715 524, 2 796 505*Decision of the Opposition Division:* Upheld the opposition in its entirety*Decision of the Board of Appeal:* Dismissed the appeal and rejected the CTM application in its entirety*Pleas in law:* Infringement of Articles 8(1)(b) and 8(5) CTMR.