

*Mark or sign cited in opposition:* German word mark 'medi.eu' for goods and services in Classes 5, 10, 35, 39, 41, 42 and 44; German word mark 'medi welt' for goods and services in Classes 5, 10, 35, 38, 39, 41, 42, 43 and 44; German word mark 'medi-Verband' for goods and services in Classes 5, 10, 35, 38, 39, 41, 42, 43 and 44; Community word mark 'World of medi' for goods and services in Classes 3, 5, 10, 35, 41 and 42; German figurative mark, containing the word elements 'medi Ich fühl mich besser', for goods and services in Classes 5, 10, 35, 38, 39, 41, 42, 43 and 44; a trade and commercial name in commercial use containing the word element 'medi' for all goods and services to which the abovementioned marks relate in the territory of the European Union.

*Decision of the Opposition Division:* Opposition upheld.

*Decision of the Board of Appeal:* Appeal allowed and opposition rejected.

*Pleas in law:* Infringement of Article 8(1) and (4) of Regulation (EC) No 207/2009, <sup>(1)</sup> because there is a likelihood of confusion between the trade marks at issue and the applicant has proved that it owns the commercial rights including the right to a commercial name, and infringement of the right to a hearing under Article 73 of Regulation No 207/2009.

<sup>(1)</sup> Council Regulation (EC) No 207/2009 of 26 February 2009 on the Community trade mark (OJ 2009 L 78, p. 1).

**Action brought on 26 May 2010 — Italy v Commission and EPSO**

(Case T-248/10)

(2010/C 209/73)

*Language of the case:* Italian

**Parties**

*Applicant:* Italian Republic (represented by: P. Gentili, avvocato dello Stato)

*Defendant:* European Commission and European Personnel Selection Office (EPSO)

**Form of order sought**

The applicant claims that the Court should:

— annul the notice of open competition EPSO/AD/177/10 — Administrators (AD 5) published in the *Official Journal of the European Union* on 16 March 2010 (OJ 2010 C 64A);

— order the Commission to pay the costs.

**Pleas in law and main arguments**

The pleas in law and main arguments are similar to those put forward in Case T-218/09 *Italy v Commission*. <sup>(1)</sup>

<sup>(1)</sup> OJ C 180 of 1.8.09, p. 59.

**Action brought on 31 May 2010 — Kitzinger v OHIM — Mitteldeutscher Rundfunk, Zweites Deutsches Fernsehen (KICO)**

(Case T-249/10)

(2010/C 209/74)

*Language in which the application was lodged:* German

**Parties**

*Applicant:* Kitzinger & Co (GmbH & Co. KG) (Hamburg, Germany) (represented by: S. Kitzinger, lawyer)

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

*Other party to the proceedings before the Board of Appeal of OHIM:* Mitteldeutscher Rundfunk (body governed by public law) (Leipzig, Germany), Zweites Deutsches Fernsehen (body governed by public law) (Mainz, Germany)

**Form of order sought**

— annul the decision of the Fourth Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) of 25 March 2010 in Case R 1388/2008-4 to the extent that the decision of the Opposition Division of 28 July 2008 on opposition No B 1 133 612 is annulled and the opposition rejected;