

Finally, the applicant seeks the award of damages due to moral harassment.

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(<sup>1</sup>) Council Decision 2009/906/CFSP of 8 December 2009 on the European Union Police Mission (EUPM) in Bosnia and Herzegovina (BiH) (OJ 2009 L 322, p. 22).

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**Action brought on 18 June 2010 — Olive Line International v OHIM — O. International (O-LIVE)**

(Case T-273/10)

(2010/C 221/89)

*Language in which the application was lodged: English*

**Parties**

*Applicant:* Olive Line International, S.L. (Madrid, Spain) (represented by: P. Koch Moreno, lawyer)

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

*Other party to the proceedings before the Board of Appeal:* O. International, S.r.l (Spoleto, Italy)

**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 14 April 2010 in case R 4/2009-4;

— Order the defendant to bear the costs of the proceedings; and

— Order the other party to the proceedings before the Board of Appeal to pay the costs of the proceedings, should it become an intervening party in this case.

**Pleas in law and main arguments**

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

*Community trade mark concerned:* The figurative mark 'O-LIVE', for goods and services in classes 3 and 44 — Community trade mark application No 5715008

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

*Mark or sign cited:* Community trade mark registration No 5086657 of the figurative mark 'Olive Line', for goods in classes 3, 29 and 30; Spanish trade mark registration No 2741533 of the figurative mark 'Olive Line', for goods in classes 3, 29 and 30; Spanish trade mark registration No 2525564 of the word mark 'Olive Line', for goods in class 3

*Decision of the Opposition Division:* Rejected the opposition

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

*Pleas in law:* Infringement of Article 8(1)(b) of Council Regulation No 207/2009, as the Board of Appeal wrongly assessed that there was not a likelihood of confusion between the concerned trade marks.

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**Action brought on 21 June 2010 — Wesergold Getränkeindustrie v OHIM — Lidl Stiftung (WESTERN GOLD)**

(Case T-278/10)

(2010/C 221/90)

*Language in which the application was lodged: German*

**Parties**

*Applicant:* Wesergold Getränkeindustrie GmbH & Co. KG (Rinteln, Germany) (represented by: P. Goldenbaum, I. Rohr und T. Melchert, lawyers)

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

*Other party to the proceedings before the Board of Appeal of OHIM:* Lidl Stiftung & Co. KG (Neckarsulm, Germany)