

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

Other party to the proceedings before the Board of Appeal: Staccata Srl (Como, Italy)

Form of order sought

The applicant claims that the Court should:

- Annul the decision issued on 26 November 2012 (Case R 62/2012-5) on the grounds that articles 8(1)(b) and (5) of Council Regulation (EC) No 207/2009 have indeed been fulfilled;
- Order the OHIM and STACCATA S.r.l. to pay the costs of the 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: The figurative mark containing a device of extended wings and the word element 'QUARTODI-MIGLIO' for goods in classes 9, 14, 16, 18 and 25 — Community trade mark application No 9 260 597

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

Mark or sign cited in opposition: Figurative marks containing a device of extended wings and some of them the word element 'LONGINES' — Community trade mark registration No 225 714, International registrations No 401 319, No 529 334, No 610 902 and No 298 063 for goods in classes 9 and 14

Decision of the Opposition Division: Rejected the opposition

Decision of the Board of Appeal: Dismissed the appeal

Pleas in law: Infringement of Articles 8(1)(b) and (5) of Council Regulation No 207/2009.

Action brought on 31 January 2013 — Laboratoires Polive/OHIM — Arbora & Ausonia (DODIE)

(Case T-77/13)

(2013/C 108/78)

Language in which the application was lodged: English

Parties

Applicant: Laboratoires Polive (Levallois Perret, France) (represented by: A. Sion, lawyer)

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

Other party to the proceedings before the Board of Appeal: Arbora & Ausonia, SL (Barcelona, Spain)

Form of order sought

The applicant claims that the Court should:

- Annul the contested decision rendered by the second Board of Appeal which has annulled the decision from the Opposition Division,
- Reject the opposition in its entirety, and
- Order the OHIM to pay the costs.

Pleas in law and main arguments

Applicant for a Community trade mark: The applicant

Community trade mark concerned: The word mark 'DODIE', for goods in classes 3, 5 and 10 — Community trade mark application No 5 665 104

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 marks and national trade marks of figurative and word marks containing the word element 'DODIS', 'DODIES' or 'DODOT' for goods and services in classes 3, 5, 10, 12, 16, 18, 20, 21, 24, 25, 28, 35, and 44

Decision of the Opposition Division: Rejected the opposition in its entirety

Decision of the Board of Appeal: Upheld the appeal partly and annulled the contested decision with respect to certain goods of classes 3, 5 and 10

Pleas in law: Infringement of Articles 8(1)(b) Council Regulation No 207/2009.

Action brought on 7 February 2013 — Red Bull/OHIM — Sun Mark (BULLDOG)

(Case T-78/13)

(2013/C 108/79)

Language in which the application was lodged: English

Parties

Applicant: Red Bull GmbH (Fuschl am See, Austria) (represented by: A. Renck and I. Fowler, lawyers)