

**Form of order sought**

The applicant claims that the Court should:

- declare the present action, together with the related annexes, admissible;
- annul the decision of the Board of Appeal (points 1, 2 and 3 of the operative part) in so far as it upholds the appeal, upholds the opposition and rejects in its entirety the application for registration, and orders the applicant to pay the costs incurred by the opposing party in the opposition and appeal proceedings;
- order OHIM to pay the costs.

**Pleas in law and main arguments**

*Applicant for a Community trade mark:* The applicant

*Community trade mark concerned:* Word mark 'ZENATO RIPASSA' (registration application No 5 848 015), for goods in Class 33 (alcoholic beverages)

*Proprietor of the mark or sign cited in the opposition proceedings:* La Camera di Commercio, Industria, Artigianato e Agricoltura di Verona

*Mark or sign cited in opposition:* Italian word mark 'RIPASSO' (No 682 213) for goods in Class 33 ('Wines, spirits and liqueurs')

*Decision of the Opposition Division:* Opposition rejected

*Decision of the Board of Appeal:* To uphold the opposition and to reject in its entirety the application for registration

*Pleas in law:* Infringement of Article 8(1)(b) of Regulation No 207/09.

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**Action brought on 14 March 2011 — Zenato Azienda Vitivinicola v OHIM — Camera di Commercio, Industria, Artigianato e Agricoltura di Verona (Ripassa Zenato)**

(Case T-154/11)

(2011/C 139/47)

*Language in which the application was lodged:* Italian

**Parties**

*Applicant:* Zenato Azienda Vitivinicola Srl (Peschiera del Garda, Italy) (represented by: A. Rizzoli, lawyer)

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

*Other party to the proceedings before the Board of Appeal of OHIM:* Camera di Commercio, Industria, Artigianato e Agricoltura di Verona (Verona, Italy)

**Form of order sought**

The applicant claims that the Court should:

- declare the present action, together with the related annexes, admissible;
- annul the decision of the Board of Appeal (points 1, 2 and 3 of the operative part) in so far as it upholds the appeal, upholds the opposition and rejects in its entirety the application for registration, and orders the applicant to pay the costs incurred by the opposing party in the opposition and appeal proceedings;
- order OHIM to pay the costs.

**Pleas in law and main arguments**

*Applicant for a Community trade mark:* The applicant

*Community trade mark concerned:* Figurative mark containing the word element 'RIPASSA ZENATO' (registration application No 5 877 865), for goods in Class 33

*Proprietor of the mark or sign cited in the opposition proceedings:* Camera di Commercio, Industria, Artigianato e Agricoltura di Verona

*Mark or sign cited in opposition:* Italian word mark "RIPASSO" (No 682 213), for goods in Class 33

*Decision of the Opposition Division:* Opposition rejected

*Decision of the Board of Appeal:* To uphold the opposition and to reject in its entirety the application for registration

*Pleas in law:* Infringement of Article 8(1)(b) of Regulation No 207/09.

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**Action brought on 10 March 2011 — Magnesitas de Rubián SA v Parliament and Council**

(Case T-158/11)

(2011/C 139/48)

*Language of the case:* Spanish

**Parties**

*Applicants:* Magnesitas de Rubián SA (Incio, Spain) Magnesitas Navarras SA (Zubiri, Spain), Ellinikoi Lefkolithoi Anonimos Metalleftiki Viomichaniki Naftiliaki kai Emporiki Etaireia (Athens, Greece) (represented by: H. Brokelmann, P. Martínez-Lage Sobredo, lawyers)

*Defendant:* Parliament and Council