

**Judgment of the General Court of 28 January 2016 — Sto v OHIM Fixit Trockenmörtel Holding (CRETEO)**

(Case T-640/13) <sup>(1)</sup>

**(Community trade mark — Opposition proceedings — Application for Community word mark CRETEO — Earlier national word marks StoCretec and STOCRETE — Relative ground for refusal — Distinctive character acquired through use — Likelihood of confusion — Article 8(1)(b) of Regulation (EC) No 207/2009)**

(2016/C 098/41)

Language of the case: German

**Parties**

*Applicant:* Sto SE & Co. KGaA, formerly Sto AG (Stühlingen, Germany (represented by: K. Kern and J. Sklepek, lawyers)

*Defendant:* Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by: D. Walicka, acting as Agent)

*Other party to the proceedings before the Board of Appeal of OHIM, intervener before the General Court:* Fixit Trockenmörtel Holding AG (Baar, Switzerland) (represented by: K. Lochner and C. Thomas, lawyers)

**Re:**

Action brought against the decision of the Fourth Board of Appeal of OHIM of 25 September 2013 (Case R 905/2012-4), relating to opposition proceedings between Sto AG and Fixit Trockenmörtel Holding AG.

**Operative part of the judgment**

*The Court:*

1. Dismisses the action;
2. Orders Sto SE & Co. KGaA to pay the costs.

---

<sup>(1)</sup> OJ C 39, 8.2.2014.

---

**Judgment of the General Court of 2 February 2016 — Brammer v OHIM — Office Ernest T. Freylinger (EUROMARKER)**

(Case T-683/13) <sup>(1)</sup>

**(Community trade mark — Opposition proceedings — Application for the Community word mark EUROMARKER — Earlier Community word mark EURIMARK — Relative ground for refusal — Likelihood of confusion — Article 8(1)(b) of Regulation (EC) No 207/2009)**

(2016/C 098/42)

Language of the case: German

**Parties**

*Applicant:* Brammer GmbH (Vienna, Austria) (represented by: R. Kornfeld, lawyer)

*Defendant:* Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by: G. Schneider and H. Kunz, acting as Agents)

*Other party to the proceedings before the Board of Appeal of OHIM:* Office Ernest T. Freylinger SA (Strassen, Luxembourg)