

**Pleas in law and main arguments**

*Applicant for a Community trade mark:* the applicant

*Community trade mark concerned:* the figurative mark 'NORTHWOOD' for goods and services in Classes 8, 9, 20, 25 and 35 — Community trade mark application No 9412776

*Proprietor of the mark or sign cited in the opposition proceedings:* Norwood Promotional Products Europe, SL

*Mark or sign cited in opposition:* Community word mark 'NORWOOD' for goods in Class 35

*Decision of the Opposition Division:* the opposition was upheld

*Decision of the Board of Appeal:* the appeal was dismissed

*Pleas in law:* Infringement of Article 8(1)(b) of Regulation (EC) No 207/2009

—————

**Action brought on 26 November 2013 — TrekStor v OHIM — MSI Technology (MovieStation)**

(Case T-636/13)

(2014/C 39/42)

*Language in which the application was lodged:* German

**Parties**

*Applicant:* TrekStor Ltd (Hong Kong, China) (represented by: O. Spieker, lawyer)

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

*Other party to the proceedings before the Board of Appeal:* MSI Technology GmbH (Frankfurt am Main, Germany)

**Form of order sought**

The applicant claims that the Court should:

— Alter the decision of the Fourth Board of Appeal of the Office for Harmonisation in the Internal Market (OHIM) of 27 September 2013 (Case R 1914/2012-4) to the effect that MSI Technology GmbH's application of 20 June 2011 for a declaration of invalidity of the Community trade mark 'MovieStation' is rejected and that MSI Technology GmbH is ordered to pay the costs of that application;

— Order the defendant to pay the costs of the action before the Court.

**Pleas in law and main arguments**

*Registered Community trade mark in respect of which a declaration of invalidity has been sought:* the word mark 'MovieStation' for goods in Class 9 — Community trade mark No 5743257

*Proprietor of the Community trade mark:* the applicant

*Applicant for the declaration of invalidity of the Community trade mark:* MSI Technology GmbH

*Grounds for the application for a declaration of invalidity:* Article 52(1)(a) in conjunction with Article 7(1)(b), (c) and (d) of Regulation No 207/2009

*Decision of the Cancellation Division:* the mark concerned was declared invalid

*Decision of the Board of Appeal:* the appeal was dismissed

*Pleas in law:* Infringement of Article 7(1)(b) and (c) of Regulation No 207/2009

—————

**Action brought on 2 December 2013 — Sto v OHIM — Fixit Trockenmörtel Holding (CRETEO)**

(Case T-640/13)

(2014/C 39/43)

*Language in which the application was lodged:* German

**Parties**

*Applicant:* Sto AG (Stühlingen, Germany) (represented by: K. Kern and J. Sklepek, lawyers)

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

*Other party to the proceedings before the Board of Appeal:* Fixit Trockenmörtel Holding AG (Baar, Switzerland)

**Form of order sought**

The applicant claims that the Court should:

— Alter the decision of the Fourth Board of Appeal of OHIM of 25 September 2013 in Case R 905/2012-4 to the effect that the opposition is upheld to the extent put forward in the appeal and Community trade mark application No 9207085 is rejected;

— Order the defendant to pay the costs.

**Pleas in law and main arguments**

*Applicant for a Community trade mark:* Fixit Trockenmörtel Holding AG

*Community trade mark concerned:* the word mark 'CRETEO' for goods in Classes 1, 2, 17 and 19 — Community trade mark application No 9207085

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

*Mark or sign cited in opposition:* the German word marks 'Sto-Cretec' and 'STOCRETE' for goods in Classes 1, 2, 17 and 19

*Decision of the Opposition Division:* the opposition was rejected

*Decision of the Board of Appeal:* the appeal was dismissed

*Pleas in law:* Infringement of Article 8(1)(b) of Regulation (EC) No 207/2009

---

**Action brought on 2 December 2013 — Meda v OHIM — Takeda (PANTOPREM)**

(Case T-647/13)

(2014/C 39/44)

*Language in which the application was lodged:* German

**Parties**

*Applicant:* Meda AB (Solna, Sweden) (represented by: G. Würtenberger and R. Kunze, lawyers)

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

*Other party to the proceedings before the Board of Appeal:* Takeda GmbH (Constance, Germany)

**Form of order sought**

The applicant claims that the Court should:

— Annul the decision of the Fourth Board of Appeal of 25 September 2013 in Case R 2171/2012-4 concerning the opposition against Community trade mark application No 9403973 'PANTOPREM';

— Order the Office for Harmonisation in the Internal Market 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 'PANTOPREM' for goods in Class 5 — Community trade mark application No 9403973

*Proprietor of the mark or sign cited in the opposition proceedings:* Takeda GmbH

*Mark or sign cited in opposition:* the Community word marks 'PANTOPAN', 'PANTOMED', 'PANTOPRAZ' and 'PANTOPRO' and the national word mark 'PANTOP' for goods in Class 5

*Decision of the Opposition Division:* the opposition was upheld

*Decision of the Board of Appeal:* the appeal was dismissed

*Pleas in law:* Infringement of Article 8(1)(b); the first sentence of Article 59; Article 64(1); Article 75; 76(1), *in fine*; Article 77 and Article 112(1) of Regulation (EC) No 207/2009

---

**Action brought on 4 December 2013 — TrekStor v OHIM (SmartTV Station)**

(Case T-649/13)

(2014/C 39/45)

*Language of the case:* German

**Parties**

*Applicant:* TrekStor Ltd (Hong Kong, China) (represented by O. Spieker, lawyer)

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

**Form of order sought**

The applicant claims that the Court should:

— Annul the decision of the Fourth Board of Appeal of OHIM of 1 October 2013 (Case R 128/2013-4) and alter the contested decision to the effect that the mark 'SmartTV Station' (Application No: 010595577) is allowed to proceed to registration in its entirety;

— Order the defendant to pay the costs.