

**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.

**Pleas in law and main arguments**

*Community trade mark concerned:* the word mark ‘SmartTV Station’ for goods in Class 9 — Community trade mark application No 10595577

*Decision of the Examiner:* the application was rejected

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

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

---

**Action brought on 6 December 2013 — Gako Konietzko v OHIM (Shape of packaging)**

(Case T-654/13)

(2014/C 39/46)

*Language of the case:* German

**Parties**

*Applicant:* Gako Konietzko GmbH (Bamberg, Germany) (represented by S. Reinhardt, lawyer)

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

**Form of order sought**

The applicant claims that the Court should:

- Annul the decision of the First Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) of 19 September 2013 in Case R 2232/2012-1;
- Order the defendant to pay the costs including the costs incurred in the course of the appeal proceedings.

**Pleas in law and main arguments**

*Community trade mark concerned:* the three-dimensional mark, representing the shape of packaging, for goods in Classes 3, 5 and 10 — Community trade mark application No 10899037

*Decision of the Examiner:* the application was rejected

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

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

---

**Action brought on 9 December 2013 — Enercon v OHIM (Shades of the colour green)**

(Case T-655/13)

(2014/C 39/47)

*Language of the case:* German

**Parties**

*Applicant:* Enercon GmbH (Aurich, Germany) (represented by R. Böhm, lawyer)

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

**Form of order sought**

The applicant claims that the Court should:

- Annul the decision of the First Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) of 11 September 2013 in Case R 0247/2013-1;
- Order the defendant to pay the costs.

**Pleas in law and main arguments**

*Community trade mark concerned:* the figurative mark representing shades of the colour green for goods in Classes 7, 16 and 28 — Community trade mark application No 11055811

*Decision of the Examiner:* the application was rejected

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

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

---