

**Pleas in law and main arguments**

*Registered Community trade mark in respect of which a declaration of invalidity has been sought:* The figurative mark 'GUGLER' for goods and services in Classes 6, 17, 19, 22, 37, 39 and 42 — Community trade mark registration No 3 324 902

*Proprietor of the Community trade mark:* The other party to the proceedings before the Board of Appeal

*Applicant for the declaration of invalidity of the Community trade mark:* The applicant

*Grounds for the application for a declaration of invalidity:* The grounds were those laid down in Article 52(1)(b) and 53(1)(c) in conjunction with Article 8(4) CTMR

*Decision of the Cancellation Division:* Declared the contested Community trade mark invalid

*Decision of the Board of Appeal:* Annulled the contested decision and rejected the application for a declaration of invalidity

*Pleas in law:* Infringement of Article 52(1)(b) and 53(1)(c) CTMR

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**Action brought on 20 December 2013 — Brammer v OHIM — Office Ernest T. Freylinger (EUROMARKER)**

(Case T-683/13)

(2014/C 61/24)

*Language in which the application was lodged:* German

**Parties**

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

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

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

**Form of order sought**

The applicant claims that the Court should:

in so far as the First Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) also

confirmed the decision of the Opposition Division of 4 July 2012, in that it upheld the opposition also for the supply of services in Class 38 and in Class 42,

— find that the Office for Harmonisation in the Internal Market (Trade Marks and Designs) made an error;

— annul the decision of the First Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) of 8 October 2013 in Case R 1653/2012-1;

— order the defendant OHIM to pay the costs.

**Pleas in law and main arguments**

*Applicant for a Community trade mark:* Brammer GmbH

*Community trade mark concerned:* Word mark 'EUROMARKER' for services in Classes 38, 42 and 45 — Community trade mark application Nr 9 852 849

*Proprietor of the mark or sign cited in the opposition proceedings:* Office Ernest T. Freylinger SA

*Mark or sign cited in opposition:* Word mark 'EURIMARK' for services in Classes 35, 41, 42 and 45 — Community trade mark No 5 850 111

*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 No 207/2009

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**Action brought on 24 December 2013 — TUI Deutschland GmbH v OHIM — Infinity Real Estate & Project Development (Sensimar)**

(Case T-706/13)

(2014/C 61/25)

*Language in which the application was lodged:* German

**Parties**

*Applicant:* TUI Deutschland GmbH (Hanover, Germany) (represented by: D. von Schultz, lawyer)

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