

**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