

Pleas in law

- Violation of the principles of equal treatment and sound administration;
- Infringement of Article 8(1)(b) of Regulation (EU) 2017/1001 of the European Parliament and of the Council and of the principle of coexistence of national and Union trade marks as regards the characterisation of the earlier registered trade mark as descriptive, indistinctive and incapable to give rise to confusion;
- Infringement of Article 8(1)(b) of Regulation (EU) 2017/1001 of the European Parliament and of the Council and of the principle of coexistence of national and Union trade marks as regards the decisions and evidence relied upon and the line of argument used;
- Infringement of Article 8(1)(b) of Regulation (EU) 2017/1001 of the European Parliament and of the Council as regards the absence of a likelihood of confusion.

**Action brought on 14 August 2023 — Enterprise Holdings v EUIPO — Qommute
(COMMUTE WITH ENTERPRISE)****(Case T-499/23)**

(2023/C 338/54)

*Language in which the application was lodged: English***Parties***Applicant:* Enterprise Holdings, Inc. (Saint Louis, Missouri, United States) (represented by: M. Forde, Solicitor)*Defendant:* European Union Intellectual Property Office (EUIPO)*Other party to the proceedings before the Board of Appeal:* Qommute SARL (Marseille, France)**Details of the proceedings before EUIPO***Applicant of the trade mark at issue:* Applicant before the General Court*Trade mark at issue:* Application for European Union word trade mark COMMUTE WITH ENTERPRISE — Application for registration No 17 925 816*Procedure before EUIPO:* Opposition proceedings*Contested decision:* Decision of the Fifth Board of Appeal of EUIPO of 1 June 2023 in Case R 1015/2022-5**Form of order sought**

The applicant claims that the Court should:

- annul the contested decision;
- in the alternative, alter the contested decision in the sense that the opposition is remitted to the Opposition Division;
- order the defendant to pay the applicant's costs in the present proceedings and before the Board of Appeal of EUIPO; in the alternative, should the other party before the Board of Appeal of EUIPO intervene, order the defendant and intervener jointly and severally to pay the applicant's costs in the present proceedings and before the Board of Appeal of EUIPO.

Plea in law

Infringement of Article 8(1)(b) of Regulation (EU) 2017/1001 of the European Parliament and of the Council.