

3. Third plea in law, alleging infringement of the principle of respect for the legitimate rights and interests of individuals, which is binding on the administration in respect of public contracts, in so far as the Commission unilaterally revoked the agreement in the present case, in a manner that was purely arbitrary and without basis, which is prohibited by the principle *pacta sunt servanda*.
4. Fourth plea in law, alleging breach of the duty of sound administration, in so far as the Commission revoked that agreement on the basis of a simple newspaper article, without making a sufficiently detailed assessment of the specific case, which constitutes a clear case of maladministration.
5. Fifth plea in law, alleging infringement of the principle of proportionality, in so far as the Commission revoked that agreement, without any basis or justification, in response to the conviction of an employee of the applicant for the offence of falsification and fraud which had nothing to do with the applicant's activity nor with the Commission's powers and competences.

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**Action brought on 5 December 2018 — B.D. v EUIPO — Philicon 97 (PHILIBON)**

(Case T-717/18)

(2019/C 54/39)

*Language of the case: English*

**Parties**

*Applicant:* B.D. — Boyer Developpement (Moissac, France) (represented by: E. Junca, lawyer)

*Defendant:* European Union Intellectual Property Office (EUIPO)

*Other party to the proceedings before the Board of Appeal:* Philicon 97 AD (Plovdiv, Bulgaria)

**Details of the proceedings before EUIPO**

*Proprietor of the trade mark at issue:* Applicant before the General Court

*Trade mark at issue:* European Union word mark PHILIBON — European Union trade mark No 9 690 041

*Procedure before EUIPO:* Cancellation proceedings

*Contested decision:* Decision of the Fourth Board of Appeal of EUIPO of 10 October 2018 in Case R 375/2018-4

**Form of order sought**

The applicant claims that the Court should:

- annul the contested decision;
- annul the decision of the Cancellation Division of 21 December 2017;
- order EUIPO to pay the costs.

**Pleas in law**

- The Board of Appeal applied the provisions of Regulation 2017/1001, which was not in force on the date of the cancellation request submitted to EUIPO. The Chamber failed to comply with the conditions laid down in Article 8(5) in conjunction with Article 53 of Regulation 207/2009;
  - Infringement of Article 8(2)(c) of Regulation 207/2009.
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