

Action brought on 7 September 2018 — Peek & Cloppenburg v EUIPO — Peek & Cloppenburg (Peek's)

(Case T-535/18)

(2018/C 392/47)

Language in which the application was lodged: German

Parties

Applicant: Peek & Cloppenburg KG, Düsseldorf (Düsseldorf, Germany) (represented by: P. Lange, lawyer)

Defendant: European Union Intellectual Property Office (EUIPO)

Other party to the proceedings before the Board of Appeal: Peek & Cloppenburg KG, Hamburg (Hamburg, Germany)

Details of the proceedings before EUIPO

Applicant of the trade mark at issue: Applicant

Trade mark at issue: EU word mark 'Peek's' — Application for registration No 3 263 589

Procedure before EUIPO: Opposition proceedings

Contested decision: Decision of the First Board of Appeal of EUIPO of 31 May 2018 in Case R 60/2007-1

Form of order sought

The applicant claims that the Court should:

- annul the contested decision;
- order EUIPO to pay the costs.

Pleas in law

- Infringement of Article 8(4) of Regulation (EU) 2017/1001 of the European Parliament and of the Council in combination with paragraph 15(2) of the Markengesetz (German Law on Trade Marks; 'MarkenG');
 - Infringement of Article 8(4) of Regulation (EU) 2017/1001 of the European Parliament and of the Council;
 - Infringement of Article 8(4) of Regulation (EU) 2017/1001 of the European Parliament and of the Council in combination with paragraph 15(2) of the MarkenG on the basis of a likelihood of confusion;
 - Infringement of Article 8(4) of Regulation (EU) 2017/1001 of the European Parliament and of the Council in combination with paragraph 15(3) of the MarkenG on the basis of an unfair advantage taken of distinctive character or repute or of detriment to distinctive character or repute;
 - Infringement of Article 63 of Regulation (EC) No 207/2009 of the Council in combination with Rule 20(7)(c) of Commission Regulation (EC) No 2868/95.
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