

Action brought on 7 July 2020 — Sony Interactive Entertainment Europe v EUIPO — Huawei Technologies (GT9)

(Case T-423/20)

(2020/C 287/57)

Language of the case: English

Parties

Applicant: Sony Interactive Entertainment Europe Ltd (London, United Kingdom) (represented by: S. Malynicz, QC and M. Maier, lawyer)

Defendant: European Union Intellectual Property Office (EUIPO)

Other party to the proceedings before the Board of Appeal: Huawei Technologies Co. Ltd (Shenzhen, China)

Details of the proceedings before EUIPO

Applicant of the trade mark at issue: Other party to the proceedings before the Board of Appeal

Trade mark at issue: Application for European Union word mark GT9 — Application for registration No 14 738 298

Procedure before EUIPO: Opposition proceeding

Contested decision: Decision of the Fourth Board of Appeal of EUIPO of 24 April 2020 in Case R 1610/2019-4

Form of order sought

The applicant claims that the Court should:

- annul the contested decision;
- order EUIPO and other party to bear their costs and pay those of the applicant.

Pleas in law

- Infringement of Articles 8(1)(b) and 8(5) of Regulation (EU) 2017/1001 of the European Parliament and of the Council by failing to identify specifically the relevant public;
- Infringement of Articles 8(1)(b) and 8(5) of Regulation (EU) 2017/1001 of the European Parliament and of the Council by failing to take into account the evidence as to the likely perception of the earlier European Union Trade mark by the relevant public;
- Failure to consider the other elements of the above mentioned Articles 8(1)(b) and 8(5) objections;
- Failure to apply national rules under 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 by failing to consider the other elements under passing off law.