

- order the defendant to pay the default interest at the key rate of the European Central Bank plus two percentage points on the amount eventually awarded or any other award of interest payment which the Court thinks just and appropriate;
- order the FRA to pay the costs incurred at first instance and on appeal.

Pleas in law and main arguments

First ground of appeal: the General Court committed a manifest error in the assessment of the second plea relating to unlawfulness of the FRA rules and fourth head of claim related to the plea of illegality raised by the appellant under Article 277 TFEU. In this regard the General Court committed an incorrect assessment of the facts and evidence, distorted the clear sense of evidence, committed an error of law, violated the duty to state reasons, and breached the right to be heard.

Second ground of appeal: the General Court failed to adjudicate on the third head of claim and to exercise full jurisdiction as claimed under the fifth head of claim. In this regard the General Court infringed of the requirement to safeguard legality as envisaged in Article 19(1) TEU and breached Article 268 TFEU.

Third ground of appeal: the General Court violated Articles 35, 36, 64 and 65 of the General Court's Rules of procedure. In this regard the General Court breached the adversarial principle; failed to serve on FRA the letter of 25 September 2017 and failed to notify the appellant about that service; breached the administration of the evidences attached to the Reply and violated the rules on evidences; wrongly rejected the OLAF Report in joined cases OF/2014/0192 and OF/2015/0167; breached the right to be heard; violated the right to a fair trial; and breached Article 52 of the EU fundamental Rights Charter.

Fourth ground of appeal: the General Court infringed the right of defence and the principle of effective judicial protection laid down in Article 47 of the EU Charter and produced an inadequate statement of reasons.

Fifth plea in law: the General Court violated of Articles 134 and 135 of its Rules of Procedure regarding the costs. In this regard the General Court failed its duty to state reasons.

Appeal brought on 21 August 2019 by Luz Saúde, SA against the judgment of the General Court (Eighth Chamber) delivered on 13 June 2019 in Case T-357/18 Luz Saúde v EUIPO – Clínica La Luz

(Case C-622/19 P)

(2019/C 432/25)

Language of the case: Portuguese

Parties

Appellant: Luz Saúde, SA (represented by: G. Gentil Anastácio, P. Guerra e Andrade, G. Moreira Rato and M. Stock da Cunha, advogados)

Other parties to the proceedings: European Union Intellectual Property Office and Clínica La Luz

By order of 5 November 2019, the Court of Justice (Chamber determining whether appeals may proceed) ruled that the appeal should not be allowed to proceed and ordered Luz Saúde, SA, to bear its own costs.
