

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

(Case T-534/18)

(2018/C 392/46)

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' — Application for registration No 1 915 438

Procedure before EUIPO: Opposition proceedings

Contested decision: Decision of the First Board of Appeal of EUIPO of 31 May 2018 in Case R 115/2005-1

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 63 of Regulation (EC) No 207/2009 of the Council in combination with Rule 20(7)(c) of Commission Regulation (EC) No 2868/95.