

Action brought on 2 October 2019 – Novomatic v EUIPO – Brouwerij Haacht (PRIMUS)**(Case T-669/19)**

(2019/C 399/113)

Language of the case: English

Parties*Applicant:* Novomatic AG (Gumpoldskirchen, Austria) (represented by: W. Mosing, lawyer)*Defendant:* European Union Intellectual Property Office (EUIPO)*Other party to the proceedings before the Board of Appeal:* Brouwerij Haacht NV (Boortmeerbeek, Belgium)**Details of the proceedings before EUIPO***Applicant of the trade mark at issue:* Applicant before the General Court*Trade mark at issue:* Application for European Union word mark PRIMUS – Application for registration No 14 712 723*Procedure before EUIPO:* Opposition proceedings*Contested decision:* Decision of the Fifth Board of Appeal of EUIPO of 19 July 2019 in Case R 2528/2018-5**Form of order sought**

The applicant claims that the Court should:

- annul the contested decision;
- order EUIPO and, in case it intervenes in writing, the other party to the proceedings before EUIPO to bear its own costs and to compensate the costs incurred by the Plaintiff in the proceeding in front of the General Court and in the appellate proceedings before EUIPO.

Pleas in law

- Infringement of essential procedural requirements, namely the requirement of evidence in terms of legal certainty;
 - Infringement of the principle of legitimate expectations;
 - Infringement of Article 8(5) of Regulation (EU) 2017/1001 of the European Parliament and of the Council;
 - Infringement of Article 7(2)(b) of Delegated Regulation (EU) 2018/625 of the Commission.
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