

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Ms Alexandra Loutsou to pay the costs.

(¹) OJ C 138, 28.3.2022.

**Action brought on 11 October 2022 — Canalones Castilla v EUIPO — Canalones Novokanal
(Water-collection guttering; waterspouts)**

(Case T-329/22)

(2023/C 7/41)

Language in which the application was lodged: Spanish

Parties

Applicant: Canalones Castilla, SL (Madrid, Spain) (represented by: F. J. Serrano Irurzun, lawyer)

Defendant: European Union Intellectual Property Office (EUIPO)

Other party to the proceedings before the Board of Appeal: Canalones Novokanal, SL (Madrid, Spain)

Details of the proceedings before EUIPO

Proprietor of the design at issue: Applicant

Design at issue: Community design (Water-collection guttering; waterspouts) — Community design No 363 486-0001

Proceedings before EUIPO: Invalidity proceedings

Contested decision: Decision of the Third Board of Appeal of EUIPO of 5 April 2022 in Case R 1122/2021-3

Form of order sought

The applicant claims that the Court should:

- annul the contested decision;
- if the applicant's claims are rejected in their entirety, order, in ruling as to costs in the decision closing the proceedings, that the other parties must bear their own costs.

Pleas in law

- The prior disclosure of the design submitted by the invalidity applicant has not been sufficiently established.
 - In the alternative, the design submitted by the invalidity applicant as a prior design does not produce the same overall impression as the design at issue.
 - In the alternative, the disclosure was abusive due to infringement of copyright.
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