



Reports of Cases

Judgment of the General Court (Fourth Chamber) of 25 April 2018 – Euro Castor Green v EUIPO – Netlon France (Concealed trellis)

(Case T-756/16)

(Community design — Invalidity proceedings — Registered Community design representing a trellis — Earlier Community design — Ground for invalidity — Disclosure of earlier design — Lack of novelty — No individual character — Articles 5, 6 and Article 25(1)(b) of Regulation (EC) No 6/2002)

1. *Community designs — Appeals procedure — Action before the EU judicature — Jurisdiction of the General Court — Re-evaluation of the facts in the light of evidence produced for the first time before it — Not included*

(Council Regulation No 6/2002, Art. 61)

(see para. 18)

2. *Community designs — Ground for invalidity — Lack of novelty — Previous disclosure of identical design — Proof of the disclosure*

(Council Regulation No 6/2002, Arts 5(1)(b), 7(1) and 65(1); Commission Regulation No 2245/2002, Art. 28(1)(b)(v) and (vi))

(see paras 31-33)

3. *Community designs — Ground for invalidity — Lack of novelty — Previous disclosure of identical design — Representation of a trellis*

(Council Regulation No 6/2002, Arts 5(1)(b), 7(1) and 25(1)(b))

(see paras 47-49, 51, 52, 54-56, 59, 62)

Re:

Action brought against the decision of the Third Board of Appeal of EUIPO of 11 August 2016 (Case R 754/2014-3), relating to invalidity proceedings between Netlon France and Euro Castor Green.

Operative part

The Court:

1. Dismisses the action;
2. Orders Euro Castor Green to pay the costs.