



Reports of Cases

Judgment of the Court (Sixth Chamber) of 17 March 2016 —

Naazneen Investments v OHIM

(Case C-252/15 P)¹

(Appeal — Community trade mark — Regulation (EC) No 207/2009 — Revocation proceedings — Article 51(1)(a) — Community word mark SMART WATER — Genuine use — Obligation to state reasons — Article 75)

1. *Appeal — Grounds — Mere repetition of the pleas and arguments put forward before the General Court — Error of law relied on not identified — Inadmissibility (Art. 256(1) TFEU; Statute of the Court of Justice, Art. 58(1); Rules of Procedure of the Court of Justice, Art. 168(1)(d)) (see paras 22, 23)*
2. *Community trade mark — Procedural provisions — Statement of reasons for decisions — Purpose (Council Regulation No 207/2009, Art. 75, first sentence) (see paras 29, 34)*
3. *Community trade mark — Surrender, revocation and invalidity — Examination of the application — Proof of use of the earlier mark — Genuine use — Definition — Criteria for assessment (Council Regulation No 207/2009, Art. 15(1) and 51(1)(a)) (see paras 56, 76)*
4. *Appeal — Grounds — Incorrect assessment of the facts and evidence — Inadmissibility — Review by the Court of the assessment of the facts and evidence — Possible only where the clear sense of the evidence has been distorted — Plea alleging distortion of the facts — Necessity of indicating precisely the evidence alleged to have been distorted and showing the errors of appraisal which led to that distortion (Art. 256 TFEU; Statute of the Court of Justice, Art. 58, first para.; Rules of Procedure of the General Court, Art. 168(1)(d)) (see paras 59, 69)*
5. *Community trade mark — Surrender, revocation and invalidity — Causes of revocation — Absence of genuine use of a trade mark — Concept of ‘proper reasons’ for non-use — Independent and uniform interpretation — Obstacles bearing a direct relation to the trade mark rendering its use unreasonable or impossible and independent of the volition of the trade mark proprietor (Council Regulation No 207/2009, Arts 15(1) and 51(1)(a)) (see para. 96)*

¹ — OJ C 294, 7.9.2015.

Operative part

The Court:

1. Dismisses the appeal.
2. Orders Naazneen Investments Ltd to pay the costs.