



C/2024/2033

18.3.2024

**Order of the General Court of 11 December 2023 — Nieß v EUIPO — Terrasoverkapping-inkoop.nl
(GARTENLÜX)**

(Case T-754/22) ⁽¹⁾

**(EU trademark — Opposition proceedings — Application for the EU word mark GARTENLÜX —
Previous company name and business name GARTENLUX — Relative ground for refusal — Article 8(4)
of Regulation (EU) 2017/1001 — Action manifestly lacking any foundation in law)**

(C/2024/2033)

Language of the case: German

Parties

Applicant: Andrea Nieß (Kempfen, Germany) (represented by: A. Erlenhardt, lawyer)

Defendant: European Union Intellectual Property Office (represented by: A. Ringelhann and D. Stoyanova-Valchanova, acting as Agents)

Other party to the proceedings before the Board of Appeal of EUIPO, intervener before the General Court: Terrasoverkapping-inkoop.nl BV (Venlo, Netherlands) (represented by: O. Möhring, lawyer)

Re:

By her action under Article 263 TFEU, the applicant seeks the annulment of the decision of the Second Board of Appeal of the European Union Intellectual Property Office (EUIPO) of 16 September 2022 (Case R 607/2022-2).

Operative part of the order

1. The action is dismissed.
2. Ms Andrea Nieß shall bear her own costs and pay those incurred by Terrasoverkapping-inkoop.nl BV.
3. The European Union Intellectual Property Office (EUIPO) shall bear its own costs.

⁽¹⁾ OJ C 24, 23.1.2023.