



C/2024/2155

25.3.2024

**Judgment of the General Court of 24 January 2024 — Delta Sport Handelskontor v EUIPO Lego
(Building block from a toy building set)**

(Case T-537/22) ⁽¹⁾

(Community design — Invalidity proceedings — Registered community design representing a building block from a toy building set — Ground for invalidity — Non-compliance with requirements for protection — Article 25(1)(b) of Regulation (EC) No 6/2002 — Features of appearance of a product solely dictated by its technical function — Features of appearance of a product to be necessarily reproduced in their exact form and dimensions in order to permit the interconnection with other products — Designs whose purpose is to allow multiple assembly or connection of mutually interchangeable products within a modular system — Article 8(1) to (3) of Regulation No 6/2002)

(C/2024/2155)

Language of the case: English

Parties

Applicant: Delta Sport Handelskontor GmbH (Hamburg, Germany) (represented by: C. Klawitter and L.-E. Appel, lawyers)

Defendant: European Union Intellectual Property Office (represented by: J. Ivanauskas, acting as Agent)

Other party to the proceedings before the Board of Appeal of EUIPO, intervener before the General Court: Lego A/S (Billund, Denmark) (represented by: V. von Bomhard and J. Fuhrmann, lawyers)

Re:

By its action under Article 263 TFEU, the applicant seeks the annulment of the decision of the Third Board of Appeal of the European Union Intellectual Property Office (EUIPO) of 30 May 2022 (Case R 1524/2021-3).

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Delta Sport Handelskontor GmbH to pay the costs.

⁽¹⁾ OJ C 418, 31.10.22.