



C/2024/2156

25.3.2024

Judgment of the General Court of 24 January 2024 — Noah Clothing v EUIPO — Noah (NOAH)

(Case T-562/22) ⁽¹⁾

(EU trade mark — Revocation proceedings — EU figurative mark NOAH — Genuine use of the mark — Nature of use — Article 18(1), second subparagraph, point (a), and Article 58(1)(a) of Regulation (EU) 2017/1001 — Proof of genuine use — Article 95(2) of Regulation 2017/1001 — Article 19(1) and Article 10(7) of Delegated Regulation (EU) 2018/625 — Right to be heard)

(C/2024/2156)

Language of the case: English

Parties

Applicant: Noah Clothing LLC (New York, New York, United States) (represented by: W. Leppink, P. Trapman and C. Bey, lawyers)

Defendant: European Union Intellectual Property Office (represented by: C. Bovar and D. Hanf, acting as Agents)

Other party to the proceedings before the Board of Appeal of EUIPO, intervener before the General Court: Yannick Noah (Feucherolles, France) (represented by A. Berthet, lawyer)

Re:

By its action under Article 263 TFEU, the applicant seeks the annulment of the decision of the First Board of Appeal of the European Union Intellectual Property Office (EUIPO) of 12 July 2022 (Case R 504/2021-1).

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Noah Clothing LLC to pay the costs.

⁽¹⁾ OJ C 418, 31.10.2022.