



C/2024/3610

17.6.2024

Judgment of the General Court of 24 April 2024 – FCI v EUIPO – Sitges Alonso (Posts)

(Case T-208/23) ⁽¹⁾

(Community design – Invalidity proceedings – Registered Community design representing posts – Ground for invalidity – Disclosure of the earlier design – Article 7 and Article 25(1)(b) of Regulation (EC) No 6/2002 – Burden of proof – Article 52(2) of Regulation No 6/2002)

(C/2024/3610)

Language of the case: French

Parties

Applicant: Forlam Clôture Industrie (FCI) (Lyon, France) (represented by: P. Debré and L. Nicolazzi, lawyers, authorised to substitute itself for Clofor)

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

Other party to the proceedings before the Board of Appeal of EUIPO: Paul Sitges Alonso (Barcelona, Spain)

Re:

By its action under Article 263 TFEU, the applicant seeks the annulment and the alteration of the decision of the Third Board of Appeal of the European Union Intellectual Property Office (EUIPO) of 15 February 2023 (Case R 1103/2022-3).

Operative part of the judgment

The Court:

1. Authorises Forlam Clôture Industrie (FCI) to substitute itself for Clofor as applicant;
2. Dismisses the action;
3. Orders Forlam Clôture Industrie (FCI) to pay the costs.

⁽¹⁾ OJ C 216, 19.6.2023.