



C/2024/4469

22.7.2024

Judgment of the General Court of 5 June 2024 – Supremac’s v EUIPO – McDonald’s International Property (BIG MAC)

(Case T-58/23) ⁽¹⁾

(EU trade mark – Revocation proceedings – EU word mark BIG MAC – Article 51(1)(a) of Regulation (EC) No 207/2009 (now Article 58(1)(a) of Regulation (EU) 2017/1001) – No proof of genuine use of the mark in connection with some of the goods and services – Lack of solid and objective evidence – No independent subcategory – Interpretation of the list of services)

(C/2024/4469)

Language of the case: English

Parties

Applicant: Supremac’s (Holdings) Ltd (Galway, Ireland) (represented by: V. von Bomhard and J. Fuhrmann, lawyers)

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

Other party to the proceedings before the Board of Appeal of EUIPO, intervener before the General Court: McDonald’s International Property Co. Ltd (Chicago, Illinois, United States) (represented by: C. Eckhardt, A. von Mühlendahl and K. Thanbichler-Brandl, lawyers)

Re:

By its action under Article 263 TFEU, the applicant seeks the partial annulment and the alteration of the decision of the Fourth Board of Appeal of the European Union Intellectual Property Office (EUIPO) of 14 December 2022 (Case R 543/2019-4).

Operative part of the judgment.

The Court:

1. Partially annuls and alters the decision of the Fourth Board of Appeal of the European Union Intellectual Property Office (EUIPO) of 14 December 2022 (Case R 543/2019-4) to the effect that the appeal brought before that Board of Appeal of EUIPO by McDonald’s International Property Co. Ltd against the Cancellation Division’s decision of 11 January 2019 is dismissed as regards the goods ‘chicken sandwiches’ in Classes 29 and 30, the goods ‘foods prepared from poultry products’ in Class 29 and the ‘services rendered or associated with operating restaurants and other establishments or facilities engaged in providing food and drink prepared for consumption and for drive-through facilities; preparation of carry-out foods’ in Class 42, with regard to which the contested mark had been revoked;
2. Dismisses the action as to the remainder;
3. Orders each party to bear its own costs.

⁽¹⁾ OJ C 112, 27.3.2023.