



C/2024/4471

22.7.2024

Judgment of the General Court of 12 June 2024 – Nike Innovate v EUIPO – Puma (FOOTWARE)

(Case T-130/23) ⁽¹⁾

(EU trade mark – Invalidity proceedings – EU word mark FOOTWARE – Absolute ground for invalidity – Descriptiveness – Article 7(1)(c) of Regulation (EU) 2017/1001 – Admissibility of new evidence – Article 95(1) and (2) of Regulation 2017/1001 – Article 27(4) of Delegated Regulation (EU) 2018/625)

(C/2024/4471)

Language of the case: English

Parties

Applicant: Nike Innovate CV (Beaverton, Oregon, United States) (represented by: K. Sandberg, lawyer)

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

Other party to the proceedings before the Board of Appeal of EUIPO, intervener before the General Court: Puma SE (Herzogenaurach, Germany) (represented by: M. Schunke and L. Goller, lawyers)

Re:

By its action under Article 263 TFEU, the applicant seeks the annulment and the alteration of the decision of the Fifth Board of Appeal of the European Union Intellectual Property Office (EUIPO) of 9 January 2023 (Case R 2173/2021-5).

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Nike Innovate CV to pay the costs.

⁽¹⁾ OJ C 155, 2.5.2023.