



Judgment of the General Court of 22 January 2025 – Tes Electrical Electronic v EUIPO – Tes Touch Embedded Solutions (Xiamen) (TES)

(Case T-517/23) (¹)

(EU trade mark – Revocation proceedings – European Union figurative mark TES – Partial revocation – Genuine use of the mark – Proof of genuine use – Article 58(1)(a) and (2) of Regulation (EU) 2017/1001 – Evidence adduced for the first time before the General Court)

(C/2025/1425)

Language of the case: English

Parties

Applicant: Tes Electrical Electronic Corp. (Taipei, Taiwan) (represented by: S. Bénoliel-Claux, lawyer)

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: Tes Touch Embedded Solutions (Xiamen) Co. Ltd (Xiamen, China) (represented by: J. Wernicke, lawyer)

Re:

By its action under Article 263 TFEU, the applicant seeks the annulment in part and alteration in part of the decision of the Second Board of Appeal of the European Union Intellectual Property Office (EUIPO) of 16 May 2023 (Case R 2250/2022-2).

Operative part of the judgment

The Court:

1. Annuls in part and alters the decision of the Second Board of Appeal of the European Union Intellectual Property Office (EUIPO) of 16 May 2023 (Case R 2250/2022-2) to the effect that the appeal brought before that Board of Appeal of EUIPO by TES Electrical Electronic Corp. against the decision of the Cancellation Division of 21 September 2022 is upheld as regards the proof of genuine use of the figurative EU trade mark TES for 'dataloggers', 'insulation testers' and 'pH meters' in Class 9;
2. Dismisses the action as to the remainder;
3. Orders each party to bear its own costs.

(¹) OJ C C/2023/66, 9.10.2023.