



Judgment of the General Court of 5 March 2025 – Kapitan Navi Elżbieta Stramek i Waldemar Karpiński v EUIPO – Homann Feinkost (Matjesfilethappen nach 'Kolberger Art')

(Case T-89/24) ⁽¹⁾

(EU trade mark – Invalidity proceedings – EU word mark Matjesfilethappen nach 'Kolberger Art' – Absolute grounds for invalidity – No distinctive character – Descriptive character – No distinctive character acquired through use – Article 7(1)(b) and (c) and (3) of Regulation (EU) 2017/1001)

(C/2025/2386)

Language of the case: English

Parties

Applicant: Kapitan Navi Elżbieta Stramek i Waldemar Karpiński sp.j. (Trzebiatów, Poland) (represented by: A. Brudnoch, lawyer)

Defendant: European Union Intellectual Property Office (represented by: R. Raponi, acting as Agent)

Other party to the proceedings before the Board of Appeal of EUIPO, intervener before the General Court: Homann Feinkost GmbH (Bad Essen, Germany) (represented by: C. von Nussbaum, lawyer)

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 14 December 2023 (Case R 287/2023-5).

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Kapitan Navi Elżbieta Stramek i Waldemar Karpiński sp.j., in addition to bearing its own costs, to pay those incurred by Homann Feinkost GmbH for the purposes of the proceedings before the Court;
3. Orders the European Union Intellectual Property Office (EUIPO) to bear its own costs.

⁽¹⁾ OJ C C/2024/2331, 2.4.2024.