



Reports of Cases

Order of the Court (Seventh Chamber) of 4 October 2018 — *Safe Skies v EUIPO*

(Case C-326/18 P)

(Appeal — Article 181 of the Rules of Procedure of the Court of Justice — EU trade mark — Regulation (EC) No 207/2009 — Article 52(1)(a) — Invalidity proceedings — Word mark TSA LOCK — Rejection of the application for a declaration of invalidity — Relevant date for the examination of an absolute ground for invalidity — Appeal in part manifestly inadmissible and in part manifestly unfounded)

1. *EU trade mark — Surrender, revocation and invalidity — Absolute grounds for invalidity — Registration contrary to Article 7 — Relevant date for the examination of an absolute ground for nullity — Date of lodging the application for registration*

(Council Regulation No 207/2009, Arts 7 and 52(1)(a))

(see para. 5)

2. *Appeal — Grounds — Incorrect assessment of the facts and evidence — Inadmissibility — Review by the Court of the assessment of the facts and evidence — Possible only where the clear sense of the evidence has been distorted*

(Art. 256 TFEU; Statute of the Court of Justice, Art. 58, first para.)

(see para. 5)

Operative part

1. The appeal is dismissed as being, in part, manifestly inadmissible and, in part, manifestly unfounded.
2. Safe Skies LLC is to bear its own costs.