

Operative part of the order

1. The action is dismissed.
2. Legero Schuhfabrik GmbH shall pay the costs.

⁽¹⁾ OJ C 19, 18.1.2021.

Order of the General Court of 15 December 2021 — Legero Schuhfabrik v EUIPO — Rieker Schuh (Shoe)

(Case T-684/20) ⁽¹⁾

(Community design — Invalidity proceedings — Registered Community design representing a shoe — Earlier national and Community designs produced after the filing of the application for a declaration of invalidity — Article 28(1)(b)(v) of Regulation (EC) No 2245/2002 — Grounds for invalidity — Lack of novelty — No individual character — Degree of freedom of the designer — No different overall impression — Articles 5 and 6 and Article 25(1)(b) of Regulation (EC) No 6/2002 — Action manifestly lacking any foundation in law)

(2022/C 109/31)

Language of the case: German

Parties

Applicant: Legero Schuhfabrik GmbH (Feldkirchen bei Graz, Austria) (represented by: M. Gail, lawyer)

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

Other party to the proceedings before the Board of Appeal of EUIPO, intervener before the General Court: Rieker Schuh AG (Thayngen, Switzerland) (represented by: A. Schabenberger, lawyer)

Re:

Action brought against the decision of the Third Board of Appeal of EUIPO of 10 September 2020 (Case R 1649/2019-3), relating to invalidity proceedings between Legero Schuhfabrik and Rieker Schuh.

Operative part of the order

1. The action is dismissed.
2. Legero Schuhfabrik GmbH shall pay the costs.

⁽¹⁾ OJ C 19, 18.1.2021.

Order of the General Court of 15 December 2021 — Boquoi Handels v EUIPO (Representation of an ice crystal on a blue circular background)

(Case T-734/20) ⁽¹⁾

(EU trade mark — Application for registration of a figurative sign representing an ice crystal on a blue circular background — Partial rejection of the application — Withdrawal of the application for registration — No need to adjudicate)

(2022/C 109/32)

Language of the case: German

Parties

Applicant: Boquoi Handels OHG (Grünwald, Germany) (represented by: S. Lorenz, lawyer)

Defendant: European Union Intellectual Property Office (represented by: A. Graul and E. Markakis, acting as Agents)

Re:

Action brought against the decision of the Second Board of Appeal of EUIPO of 25 September 2020 (Case R 522/2020-2), concerning an application for registration of a figurative sign representing an ice crystal on a blue circular background as an EU trade mark.

Operative part of the order

1. There is no longer any need to adjudicate on the action.
2. Boquoi Handels OHG shall pay the costs.

⁽¹⁾ OJ C 53, 15.2.2021.

Action brought on 20 December 2021 — SC Ha Ha Ha Production v EUIPO — The Smiley Company (SMILEY)

(Case T-785/21)

(2022/C 109/33)

Language of the case: English

Parties

Applicant: SC Ha Ha Ha Production SRL (Calinesti, Romania) (represented by: O. Anghel, lawyer)

Defendant: European Union Intellectual Property Office (EUIPO)

Other party to the proceedings before the Board of Appeal: The Smiley Company SPRL (Brussels, Belgium)

Details of the proceedings before EUIPO

Applicant of the trade mark at issue: Applicant before the General Court

Trade mark at issue: Application for European Union word mark SMILEY — Application for registration No 17 569 641

Procedure before EUIPO: Opposition proceedings

Contested decisions: Decision of the Fifth Board of Appeal of EUIPO of 23 September 2021 in Case R 2936/2019-5 relative to the revocation of its decision issued on 15 January 2021 and Decision of the Fifth Board of Appeal of EUIPO of 21 October 2021 in Case R 2936/2019-5

Form of order sought

The applicant claims that the Court should:

- set aside of the decision of the Fifth Board of Appeal of EUIPO of 23 September 2021 relative to the revocation of its Decision of 15 January 2021;
- set aside of the decision of the Fifth Board of Appeal of 21 October 2021 in order to register the requested European trade mark, SMILEY no. 17 569 641, for the class of products and services 41;
- order the defendant and, if appropriate, the other party to the proceedings before the Board of Appeal, to pay the costs of the proceedings, including the costs incurred during the appeal proceedings.