



## Reports of Cases

### **Judgment of the General Court (Second Chamber) of 24 March 2021 – Kfz-Gewerbe v EUIPO – The Blink Fish (Representation of a fish)**

**(Case T-354/20)**

(EU trade mark – Invalidity proceedings – EU figurative mark representing a fish – Earlier national word mark BLINKA – Relative ground for refusal – No likelihood of confusion – No similarity between the signs – Article 8(1)(b) of Regulation (EU) 2017/1001 – Obligation to state reasons – First sentence of Article 94(1) of Regulation 2017/1001)

1. *EU trade mark – Procedural provisions – Statement of reasons for decisions – First sentence of Article 94(1) of Regulation 2017/1001 – Scope identical to that of Article 296 TFEU – Recourse by the Board of Appeal to implicit reasoning – Whether permissible – Conditions*

*(Art. 296 TFEU; European Parliament and Council Regulation 2017/1001, Art. 94(1), first sentence)*

*(see paras 17, 21)*

2. *EU trade mark – Surrender, revocation and invalidity – Relative grounds for invalidity – Existence of an identical or similar earlier mark registered for identical or similar goods or services – Likelihood of confusion with the earlier mark – Criteria for assessment*

*(European Parliament and Council Regulation 2017/1001, Arts 8(1)(b) and 60(1)(a))*

*(see paras 30-32, 36, 43, 49, 63)*

3. *EU trade mark – Surrender, revocation and invalidity – Relative grounds for invalidity – Existence of an identical or similar earlier mark registered for identical or similar goods or services – Likelihood of confusion with the earlier mark – Figurative mark representing a fish and word mark BLINKA*

*(European Parliament and Council Regulation 2017/1001, Arts 8(1)(b) and 60(1)(a))*

*(see paras 33, 38, 44, 52, 67-70)*

**Re:**

Action brought against the decision of the Fourth Board of Appeal of EUIPO of 6 April 2020 (Case R 2333/2019-4), relating to invalidity proceedings between Wirtschaftsgesellschaft des Kfz-Gewerbes and The Blink Fish.

**Operative part**

The Court:

1. Dismisses the action;
2. Orders Wirtschaftsgesellschaft des Kfz-Gewerbes mbH to pay the costs.