



## Reports of Cases

### **Judgment of the General Court (Third Chamber) of 6 October 2021 – Dermavita Company v EUIPO – Allergan Holdings France (JUVÉDERM VOLUMA)**

**(Case T-636/20)**

(EU trade mark – Invalidity proceedings – EU word mark JUVÉDERM VOLUMA – Late payment of the appeal fee – Inadmissibility of the appeal before the Board of Appeal – Article 101(4) of Regulation (EU) 2017/1001 – Article 106(1)(b) of Regulation 2017/1001 – *Restitutio in integrum*)

1. *EU trade mark – Procedural provisions – Restitutio in integrum – Applicability to the prescribed time limit for paying appeal fees*

*(European Parliament and Council Regulation 2017/1001, Arts 68, 104(5) and 105(1) and (2))*

*(see para. 35)*

2. *EU trade mark – Decisions of the Office – No obligation to inform the parties of the legal remedies available and of the time limits*

*(European Parliament and Council Regulation 2017/1001, Arts 68 and 104; Commission Regulation No 2018/625, Art. 68)*

*(see para. 36)*

#### **Re:**

Action brought against the decision of the Fourth Board of Appeal of EUIPO of 24 August 2020 (Case R 1016/2020-4), relating to invalidity proceedings between Dermavita Company and Allergan Holdings France.

#### **Operative part**

The Court:

1. Dismisses the action;
2. Orders Dermavita Company S.a.r.l. to pay the costs.