



Reports of Cases

Judgment of the General Court (Third Chamber) of 22 June 2022 – Unite the Union v EUIPO – WWRD Ireland (WATERFORD)

(Case T-739/20)¹

(EU trade mark – Revocation proceedings – EU word mark WATERFORD – Action for annulment – Article 63(3) of Regulation (EU) 2017/1001 – Admissibility – Trade mark liable to mislead the public – Article 51(1)(c) of Regulation (EC) No 207/2009 (now Article 58(1)(c) of Regulation 2017/1001))

1. *Fundamental rights – Right to effective judicial protection – Right to an effective remedy – Scope*

(Charter of Fundamental Rights of the European Union, Art. 47, first para.)

(see para. 27)

2. *EU trade mark – Appeals procedure – Action before the EU judicature – Jurisdiction of the General Court – Review of the legality of decisions of the Boards of Appeal – Annulment or variation for reasons appearing after judgment was delivered – Precluded*

(European Parliament and Council Regulation 2017/1001, Arts 72(2) and 95)

(see para. 33)

3. *EU trade mark – Appeals procedure – Action before the EU judicature – Jurisdiction of the General Court – Review of the legality of decisions of the Boards of Appeal – Re-examination of the facts in the light of evidence not previously submitted before EUIPO bodies – Precluded*

(Rules of Procedure of the General Court, Art. 188; European Parliament and Council Regulation 2017/1001, Arts 72 and 95)

(see para. 34)

4. *EU trade mark – Surrender, revocation and invalidity – Causes of revocation – Trade mark liable to mislead the public – Conditions*

(Council Regulation No 207/2009, Art. 51(1)(c))

¹ OJ C 62, 22.2.2021.

(see paras 47, 50, 51)

5. *EU trade mark – Procedural provisions – Probative value of the evidence – Opinion poll*

(see paras 56, 57)

6. *EU trade mark – Surrender, revocation and invalidity – Causes of revocation – Mark liable to mislead the public – Word mark WATERFORD*

(Council Regulation No 207/2009, Art. 51(1)(c))

(see paras 49, 52, 65, 66)

Operative part

The Court:

1. Dismisses the action;
2. Orders Unite the Union to bear its own costs and to pay those incurred by WWRD Ireland IPCO LLC;
3. Orders the European Union Intellectual Property Office (EUIPO) to bear its own costs.