



Reports of Cases

Order of the Court (Chamber determining whether appeals may proceed) of 30 November 2021 – Lee v EUIPO

(Case C-381/21 P)

(Appeal – Community design – Determination as to whether appeals should be allowed to proceed – Article 170b of the Rules of Procedure of the Court of Justice – Request failing to demonstrate that an issue is significant with respect to the unity, consistency or development of EU law – Refusal to allow the appeal to proceed)

1. *Appeals – Scheme for prior determination as to whether appeals should be allowed to proceed – Issue that is significant with respect to the unity, consistency or development of EU law – Burden of proof*

(Statute of the Court of Justice, Art. 58a; Rules of Procedure of the Court of Justice, Arts 170a(1) and 170b)

(see para. 12)

2. *Appeals – Scheme for prior determination as to whether appeals should be allowed to proceed – Request that an appeal be allowed to proceed – Formal requirements – Scope*

(Statute of the Court of Justice, Art. 58a; Rules of Procedure of the Court of Justice, Arts 170a(1) and 170b)

(see paras 13-15)

3. *Appeals – Scheme for prior determination as to whether appeals should be allowed to proceed – Issue that is significant with respect to the unity, consistency or development of EU law – Inadequate or contradictory grounds – Request that the appeal be allowed to proceed failing to demonstrate that the issue is significant – Appeal not allowed to proceed*

(Statute of the Court of Justice, Art. 58a; Rules of Procedure of the Court of Justice, Arts 170a(1) and 170b)

(see paras 16-18)

4. *Appeals – Scheme for prior determination as to whether appeals should be allowed to proceed – Issue that is significant with respect to the unity, consistency or development of EU law – Distortion of the facts and evidence – Not included*

(Statute of the Court of Justice, Art. 58a; Rules of Procedure of the Court of Justice, Arts 170a(1) and 170b)

(see para. 19)

5. *Appeals – Scheme for prior determination as to whether appeals should be allowed to proceed – Issue that is significant with respect to the unity, consistency or development of EU law – Request that the appeal be allowed to proceed failing to demonstrate that the issue is significant – Appeal not allowed to proceed*

(Statute of the Court of Justice, Art. 58a; Rules of Procedure of the Court of Justice, Arts 170a(1) and 170b)

(see paras 20, 24, 25)

6. *Appeals – Scheme for prior determination as to whether appeals should be allowed to proceed – Issue that is significant with respect to the unity, consistency or development of EU law – Issue that has not been examined by the Court – Request that the appeal be allowed to proceed failing to demonstrate that the issue is significant – Appeal not allowed to proceed*

(Statute of the Court of Justice, Art. 58a; Rules of Procedure of the Court of Justice, Arts 170a(1) and 170b)

(see para. 22)

7. *Appeals – Scheme for prior determination as to whether appeals should be allowed to proceed – Issue that is significant with respect to the unity, consistency or development of EU law – Incompatibility with the case-law of the Court of Justice or the General Court – Request that the appeal be allowed to proceed failing to demonstrate that the issue is significant – Appeal not allowed to proceed*

(Statute of the Court of Justice, Art. 58a; Rules of Procedure of the Court of Justice, Arts 170a(1) and 170b)

(see para. 23)

Operative part

1. The appeal is not allowed to proceed.
2. Keun Jig Lee shall bear his own costs.