

Defendant: European Union Intellectual Property Office (represented by: E. Sliwinska and J. Crespo Carrillo, acting as Agents)

Other party to the proceedings before the Board of Appeal of EUIPO, intervener before the General Court: Prolenium Medical Technologies, Inc. (Aurora, Ontario, Canada) (represented by: R. Lyxell, lawyer)

Re:

By its action brought under Article 263 TFEU, the applicant seeks annulment of the decision of the Fourth Board of Appeal of the European Union Intellectual Property Office (EUIPO) of 2 July 2021 (Case R 146/2021-4).

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Purasac Co. Ltd to pay the costs.

⁽¹⁾ OJ C 422, 18.10.2021.

Judgment of the General Court of 13 July 2022 — Brand Energy Holdings v EUIPO (RAPIDGUARD)

(Case T-573/21) ⁽¹⁾

(EU trade mark — Application for EU word mark RAPIDGUARD — Absolute ground for refusal — Descriptive character — Article 7(1)(c) of Regulation (EU) 2017/1001 — No distinctive character — Article 7(1)(b) of Regulation 2017/1001 — Right to be heard)

(2022/C 359/84)

Language of the case: German

Parties

Applicant: Brand Energy Holdings BV (Vlaardingen, Netherlands) (represented by: A. Hönninger and F. Dechent, lawyers)

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

Re:

By its action under Article 263 TFEU, the applicant seeks the annulment of the decision of the Fifth Board of Appeal of the European Union Intellectual Property Office (EUIPO) of 30 June 2021 (Case R 294/2021-5).

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Brand Energy Holdings BV to bear its own costs and to pay those incurred by the European Union Intellectual Property Office (EUIPO).

⁽¹⁾ OJ C 431, 25.10.2021.