

**Judgment of the General Court of 29 March 2023 — Tinnus Enterprises v EUIPO — Mystic Products and Koopman International (Fluid distribution equipment)**

(Case T-577/21) <sup>(1)</sup>

**(Community design — Invalidity proceedings — Registered Community design representing fluid distribution equipment — Ground for invalidity — Non-compliance with requirements for protection — Article 25(1)(b) of Regulation (EC) No 6/2002 — Features of appearance of a product solely dictated by its technical function — Article 8(1) of Regulation No 6/2002)**

(2023/C 179/48)

Language of the case: English

**Parties**

*Applicant:* Tinnus Enterprises LLC (Plano, Texas, United States) (represented by: T. Wuttke and J. Lewandowski, lawyers)

*Defendant:* European Union Intellectual Property Office (represented by: J. Ivanauskas, acting as Agent)

*Other party to the proceedings before the Board of Appeal of EUIPO:* Mystic Products Import & Export, SL (Badalona, Spain)

*Other party to the proceedings before the Board of Appeal of EUIPO, intervener before the General Court:* Koopman International BV (Amsterdam, Netherlands) (represented by: G. van den Bergh, A. van Hoek and B. Brouwer, lawyers)

**Re:**

By its action under Article 263 TFEU, the applicant, Tinnus Enterprises LLC, seeks the annulment and alteration of the decision of the Third Board of Appeal of the European Union Intellectual Property Office (EUIPO) of 5 July 2021 (Case R 1010/2018-3) ('the contested decision').

**Operative part of the judgment**

The Court:

1. Dismisses the action;
2. Orders Tinnus Enterprises LLC to bear its own costs and to pay those incurred by the European Union Intellectual Property Office (EUIPO) and by Koopman International BV.

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<sup>(1)</sup> OJ C 462, 15.11.2021.

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**Judgment of the General Court of 29 March 2023 — Tinnus Enterprises v EUIPO — Mystic Products and Koopman International (Fluid distribution equipment)**

(Case T-578/21) <sup>(1)</sup>

**(Community design — Invalidity proceedings — Registered Community design representing fluid distribution equipment — Ground for invalidity — Non-compliance with requirements for protection — Article 25(1)(b) of Regulation (EC) No 6/2002 — Features of appearance of a product solely dictated by its technical function — Article 8(1) of Regulation No 6/2002)**

(2023/C 179/49)

Language of the case: English

**Parties**

*Applicant:* Tinnus Enterprises LLC (Plano, Texas, United States) (represented by: T. Wuttke and J. Lewandowski, lawyers)

*Defendant:* European Union Intellectual Property Office (represented by: J. Ivanauskas, acting as Agent)

*Other party to the proceedings before the Board of Appeal of EUIPO:* Mystic Products Import & Export, SL (Badalona, Spain)

*Other party to the proceedings before the Board of Appeal of EUIPO, intervener before the General Court: Koopman International BV (Amsterdam, Netherlands) (represented by: G. van den Bergh, A. van Hoek and B. Brouwer, lawyers)*

**Re:**

By its action under Article 263 TFEU, the applicant, Tinnus Enterprises LLC, seeks the annulment and alteration of the decision of the Third Board of Appeal of the European Union Intellectual Property Office (EUIPO) of 1 July 2021 (Case R 1009/2018-3) ('the contested decision').

**Operative part of the judgment**

The Court:

1. Dismisses the action;
2. Orders Tinnus Enterprises LLC to bear its own costs and to pay those incurred by the European Union Intellectual Property Office (EUIPO) and by Koopman International BV.

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(<sup>1</sup>) OJ C 462, 15.11.2021.

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**Judgment of the General Court of 29 March 2023 — Tinnus Enterprises v EUIPO — Mystic Products and Koopman International (Fluid distribution equipment)**

(Case T-588/21) (<sup>1</sup>)

***(Community design — Invalidity proceedings — Registered Community design representing a part of the fluid distribution equipment — Ground for invalidity — Non-compliance with requirements for protection — Article 25(1)(b) of Regulation (EC) No 6/2002 — Features of appearance of a product solely dictated by its technical function — Article 8(1) of Regulation No 6/2002)***

(2023/C 179/50)

*Language of the case: English*

**Parties**

*Applicant:* Tinnus Enterprises LLC (Plano, Texas, United States) (represented by: T. Wuttke and J. Lewandowski, lawyers)

*Defendant:* European Union Intellectual Property Office (represented by: J. Ivanauskas, acting as Agent)

*Other party to the proceedings before the Board of Appeal of EUIPO:* Mystic Products Import & Export, SL (Badalona, Spain)

*Other party to the proceedings before the Board of Appeal of EUIPO, intervener before the General Court:* Koopman International BV (Amsterdam, Netherlands) (represented by: G. van den Bergh, A. van Hoek and B. Brouwer, lawyers)

**Re:**

By its action under Article 263 TFEU, the applicant, Tinnus Enterprises LLC, seeks the annulment and alteration of the decision of the Third Board of Appeal of the European Union Intellectual Property Office (EUIPO) of 12 July 2021 (Case R 1008/2018-3) ('the contested decision').

**Operative part of the judgment**

The Court:

1. Dismisses the action;
2. Orders Tinnus Enterprises LLC to bear its own costs and to pay those incurred by the European Union Intellectual Property Office (EUIPO) and by Koopman International BV.

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(<sup>1</sup>) OJ C 471, 22.11.2021.