

Judgment of the General Court of 14 September 2022 — Privatbrauerei Eichbaum v EUIPO — Anchor Brewing Company (STEAM)

(Case T-609/21) ⁽¹⁾

(EU trade mark — Revocation proceedings — EU word mark STEAM — Genuine use of the mark — Nature of use — Article 18(1), second subparagraph, heading (a), and Article 58(1)(a) of Regulation (EU) 2017/1001 — Obligation to state reasons — Right to be heard — Article 94(1) of Regulation 2017/1001)

(2022/C 432/32)

Language of the case: English

Parties

Applicant: Privatbrauerei Eichbaum GmbH & Co. KG (Mannheim, Germany) (represented by: M. Schmidhuber and E. Levenson, lawyers)

Defendant: European Union Intellectual Property Office (represented by: G. Sakalaitė-Orlovskienė and J. Ivanauskas, acting as Agents)

Other party to the proceedings before the Board of Appeal of EUIPO, intervener before the General Court: Anchor Brewing Company LLC (San Francisco, California, United States) (represented by: I. Kuschel and W. von der Osten-Sacken, lawyers)

Re:

By its action based on Article 263 TFEU, the applicant, Privatbrauerei Eichbaum GmbH Co. KG, seeks partial annulment of the decision of the Second Board of Appeal of the European Union Intellectual Property Office (EUIPO) of 14 July 2021 (Case R 780/2020-2), relating to revocation proceedings between the applicant and the intervener.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Privatbrauerei Eichbaum GmbH & Co. KG to pay the costs.

⁽¹⁾ OJ C 471, 22.11.2021.

Judgment of the General Court of 14 September 2022 — Task Food v EUIPO — Foodtastic (ENERGY CAKE)

(Case T-686/21) ⁽¹⁾

(EU trade mark — Invalidity proceedings — EU word mark ENERGY CAKE — Declaration of invalidity — Absolute grounds for invalidity — Descriptive character — Article 7(1)(c) of Regulation (EC) No 207/2009 (now Article 7(1)(c) of Regulation (EU) 2017/1001) — Lack of distinctive character — Article 7(1)(b) of Regulation No 207/2009 (now Article 7(1)(b) of Regulation 2017/2011))

(2022/C 432/33)

Language of the case: German

Parties

Applicant: Task Food s.r.o. (Bratislava, Slovakia), authorised to replace energy cake GmbH (represented by: A. Bernegger, lawyer)