

GENERAL COURT

Judgment of the General Court of 30 November 2022 — ADS L. Kowalik, B. Włodarczyk v EUIPO — ESSAtech (Accessory for wireless remote control)

(Case T-611/21) ⁽¹⁾

(Community design — Invalidity proceedings — Registered Community design representing an accessory for wireless remote control — Ground for invalidity — Features of appearance of a product solely dictated by its technical function — Article 8(1) and Article 25(1)(b) of Regulation (EC) No 6/2002 — Facts or evidence submitted for the first time before the Board of Appeal — Article 63(2) of Regulation No 6/2002 — Obligation to state reasons — Article 41(1) and (2)(c) of the Charter of Fundamental Rights)

(2023/C 45/24)

Language of the case: Polish

Parties

Applicant: ADS L. Kowalik, B. Włodarczyk s.c. (Sosnowiec, Poland) (represented by: M. Oleksyn, lawyer)

Defendant: European Union Intellectual Property Office (represented by: M. Chylińska and J. Ivanauskas, acting as Agents)

Other party to the proceedings before the Board of Appeal of EUIPO: ESSAtech (Přistoupim, Czech Republic)

Re:

By its action based on Article 263 TFEU, the applicant seeks the annulment of the decision of the Third Board of Appeal of the European Union Intellectual Property Office (EUIPO) of 5 July 2021 (Case R 1070/2020-3).

Operative part of the judgment

The Court:

1. Annuls the decision of the Third Board of Appeal of the European Union Intellectual Property Office (EUIPO) of 5 July 2021 (Case R 1070/2020-3);
2. Orders EUIPO to pay the costs incurred in the proceedings both before the Board of Appeal of EUIPO and before the Court.

⁽¹⁾ OJ C 502, 13.12.2021.

Action brought on 17 September 2022 — ClientEarth v Commission

(Case T-579/22)

(2023/C 45/25)

Language of the case: English

Parties

Applicant: ClientEarth AISBL (Brussels, Belgium) (represented by: T. Johnston, Barrister)

Defendant: European Commission