

Judgment of the General Court of 22 March 2023 — B&Bartoni v EUIPO — Hypertherm (Electrode to insert into a torch)

(Case T-617/21) ⁽¹⁾

(Community design — Invalidity proceedings — Registered Community design representing an electrode to insert into a torch — Ground for invalidity — Article 4(2) of Regulation (EC) No 6/2002 — Component part of a complex product)

(2023/C 179/51)

Language of the case: English

Parties

Applicant: B&Bartoni spol. s r.o. (Dolní Cetno, Czech Republic) (represented by: E. Lachmannová, lawyer)

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, intervener before the General Court: Hypertherm, Inc. (Hanover, New Hampshire, United States) (represented by: J. Day, Solicitor, and T. de Haan, lawyer)

Re:

By its action under 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 16 July 2021 (Case R 2843/2019-3).

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders B&Bartoni spol. s r.o. to pay the costs.

⁽¹⁾ OJ C 471, 22.11.2021.

Judgment of the General Court of 22 March 2023 — Casa International v EUIPO — Interstyle (casa)

(Case T-650/21) ⁽¹⁾

(EU trade mark — Invalidity proceedings — EU figurative mark casa — Absolute ground for invalidity — No distinctive character — Descriptive character — Article 7(1)(b) and (c) of Regulation (EC) No 40/94 (now Article 7(1)(b) and (c) of Regulation (EU) 2017/1001) — No distinctive character acquired through use — Article 7(3) of Regulation No 40/94 (now Article 7(3) of Regulation 2017/1001))

(2023/C 179/52)

Language of the case: English

Parties

Applicant: Casa International (Olen, Belgium) (represented by: F. Cornette and T. Poels-Ryckeboer, lawyers)

Defendant: European Union Intellectual Property Office (represented by: K. Doherty and E. Markakis, acting as Agents)

Other party to the proceedings before the Board of Appeal of EUIPO, intervener before the General Court: Interstyle BV (Utrecht, Netherlands) (represented by: A. Verbeek, lawyer)

Re:

By its action based on Article 263 TFEU, the applicant seeks the annulment of the decision of the Second Board of Appeal of the European Union Intellectual Property Office (EUIPO) of 13 July 2021 (Case R 1280/2020-2).

Operative part of the judgment

The Court:

1. Annuls the decision of the Second Board of Appeal of the European Union Intellectual Property Office (EUIPO) of 13 July 2021 (Case R 1280/2020-2) in so far as it dismissed the appeal filed by Casa International as regards the following goods in Class 16: 'Paper, cardboard and goods made from these materials, not included in other classes; printed matter; stationery; adhesives for stationery or household purposes; artists' materials; brushes; typewriters and office requisites (except furniture); [instructional and teaching materials (except apparatus)]; plastic materials for packing (not included in other classes); printing types; [printing blocks]';
2. Dismisses the action as to the remainder;
3. Orders each party to bear its own costs.

(¹) OJ C 490, 6.12.2021.

Judgment of the General Court of 22 March 2023 — Beauty Biosciences v EUIPO — Société de Recherche Cosmétique (BIO-BEAUTÉ)

(Case T-750/21) (¹)

(EU trade mark — Invalidity proceedings — EU word mark BIO-BEAUTÉ — Absolute grounds for refusal — Descriptiveness — Article 7(1)(c) of Regulation (EC) No 207/2009 (now Article 7(1)(c) of Regulation (EU) 2017/1001) — No distinctive character — Article 7(1)(b) of Regulation No 207/2009 (now Article 7(1)(b) of Regulation 2017/1001) — Distinctive character acquired through use — Article 7(3) of Regulation No 207/2009 (now Article 7(3) of Regulation 2017/1001) — Article 52(1)(a) and (2) of Regulation No 207/2009 (now Article 59(1)(a) and (2) of Regulation 2017/1001) — Obligation to state reasons — Article 75, first sentence of Regulation No 207/2009 (now Article 94(1), first sentence of Regulation 2017/1001))

(2023/C 179/53)

Language of the case: English

Parties

Applicant: Beauty Biosciences LLC (Dallas, Texas, United States) (represented by: D. Mărginean, lawyer)

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

Other party to the proceedings before the Board of Appeal of EUIPO, intervener before the General Court: Société de Recherche Cosmétique SARL (Luxembourg, Luxembourg) (represented by: P. Wilhelm, lawyer)

Re:

By its action under Article 263 TFEU, the applicant seeks the annulment and the alteration of the decision of the Fourth Board of Appeal of the European Union Intellectual Property Office (EUIPO) of 28 September 2021 (Joined Cases R 1871/2020-4 and R 1891/2020-4).

Operative part of the judgment

The Court:

1. Annuls the decision of the Fourth Board of Appeal of the European Union Intellectual Property Office (EUIPO) of 28 September 2021 (Joined Cases R 1871/2020-4 and R 1891/2020-4) in so far as it concerns 'perfumes, toilet water, eau de Cologne; essential oils; incense, perfume water' and 'dentifrices';
2. Dismisses the action as to the remainder;