

**Judgment of the General Court of 16 November 2022 — Epsilon Data Management v EUIPO —
Epsilon Technologies (EPSILON TECHNOLOGIES)**

(Case T-512/21) ⁽¹⁾

*(EU trade mark — Revocation proceedings — EU figurative mark EPSILON TECHNOLOGIES —
Genuine use of the mark — Article 18(1), second subparagraph, point (a), and Article 58(1)(a) of
Regulation (EU) 2017/1001 — Nature of the use — Form differing in elements which do not alter the
distinctive character — Use in connection with the services in respect of which the mark was registered)*

(2023/C 24/50)

Language of the case: English

Parties

Applicant: Epsilon Data Management LLC (Plano, Texas, United States) (represented by: J. Bussé and C. De Preter, lawyers)

Defendant: European Union Intellectual Property Office (represented by: I. Harrington, D. Gája and V. Ruzek, acting as Agents)

Other party to the proceedings before the Board of Appeal of EUIPO, intervener before the General Court: Epsilon Technologies, SL (Madrid, Spain) (represented by: J. Carbonell Callicó and E. Felip Corrius, lawyers)

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 1 June 2021 (Joined Cases R 1611/2020-5 and R 1839/2020-5).

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Epsilon Data Management LLC to bear its own costs and to pay those incurred by the European Union Intellectual Property Office (EUIPO) and by Epsilon Technologies, SL.

⁽¹⁾ OJ C 412, 11.10.2021.

**Judgment of the General Court of 16 November 2022 — Grupo Eig Multimedia v EUIPO —
Globalización de Valores CFC & GCI (FORO16)**

(Case T-796/21) ⁽¹⁾

*(EU trade mark — Opposition proceedings — Application for EU figurative mark FORO16 — Earlier EU
figurative and word marks Cambio16, Energia16, Cambio16 radio — Earlier national figurative and word
marks Camb16, DEFENSA Y SEGURIDAD 16, CAMBIO16 DIGITAL, EVENTOS 16, Salón16 —
Relative ground for refusal — Family of marks — No evidence — No likelihood of confusion — Article 8
(1)(b) of Regulation (EU) 2017/1001)*

(2023/C 24/51)

Language of the case: Spanish

Parties

Applicant: Grupo Eig Multimedia, SL (Madrid, Spain) (represented by: D. Solana Giménez, lawyer)

Defendant: European Union Intellectual Property Office (represented by: S. Palmero Cabezas and R. Raponi, acting as Agents)

Other party to the proceedings before the Board of Appeal of EUIPO, intervener before the General Court: Globalización de Valores CFC & GCI, SA (Mairena del Aljarafe, Spain) (represented by: I. Sánchez Iglesias, lawyer)

Re:

By its action based on Article 263 TFEU, the applicant seeks in particular the annulment of the decision of the Second Board of Appeal of the European Union Intellectual Property Office (EUIPO) of 20 October 2021 (Case R 1785/2020-2).

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Grupo Eig Multimedia, SL to pay the costs.

⁽¹⁾ OJ C 84, 21.2.2022.

Judgment of the General Court of 23 November 2022 — uwe JetStream v EUIPO (JET STREAM)

(Case T-14/22) ⁽¹⁾

(EU trade mark — International registration designating the European Union — Word mark JET STREAM — Absolute grounds for refusal — Lack of distinctive character — Descriptive character — Article 7(1)(b) and (c) of Regulation (EU) 2017/1001)

(2023/C 24/52)

Language of the case: French

Parties

Applicant: uwe JetStream GmbH (Schwäbisch Gmünd, Germany) (represented by: J. Schneider and C. Nemeč, lawyers)

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

Re:

By its action under Article 263 TFEU, the applicant seeks the annulment of the decision of the Fourth Board of Appeal of the European Union Intellectual Property Office (EUIPO) of 9 November 2021 (Case R 1092/2021-4).

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders uwe JetStream GmbH to pay the costs.

⁽¹⁾ OJ C 119, 14.3.2022.