



Reports of Cases

Judgment of the General Court (Ninth Chamber) of 5 October 2022 – Magnetec v EUIPO (Light blue)

(Case T-168/21)¹

(EU trade mark – Application for an EU trade mark consisting of a shade of light blue – Absolute ground for refusal – No distinctive character – Article 7(1)(b) of Regulation (EU) 2017/1001 – Limitation of goods designated by the trade mark application – Article 49(1) of Regulation 2017/1001 – Requirements of clarity and precision – Article 33(2) of Regulation 2017/1001 – Obligation to state reasons – Article 94(1) of Regulation 2017/1001)

1. *EU trade mark – Registration procedure – Withdrawal, restriction and amendment of the trade mark application – Application to restrict the list of goods or services – Procedures – Requirement of clarity*

(European Parliament and Council Regulation 2017/1001, Art. 49(1))

(see paragraphs 21, 22)

2. *EU trade mark – Appeals procedure – Action before the EU judicature – Limitation of the list of products and services after the decision of the Board of Appeal – Consequences*

(European Parliament and Council Regulation 2017/1001, Art. 49(1))

(see paragraph 27)

3. *EU trade mark – Procedural provisions – Statement of reasons for decisions – First sentence of Article 94(1) of Regulation 2017/1001 – Scope identical to that of Article 296 TFEU*

(European Parliament and Council Regulation 2017/1001, Art. 94(1), first sentence)

(see paragraphs 48, 77)

4. *EU trade mark – Definition and acquisition of the EU trade mark – Absolute grounds for refusal – Marks devoid of distinctive character – Assessment of distinctive character – Criteria*

(European Parliament and Council Regulation 2017/1001, Art. 7(1)(b))

¹ OJ C 217, 7.6.2021.

(see paragraphs 60, 78)

5. *EU trade mark – Definition and acquisition of the EU trade mark – Signs of which a trade mark may consist – Colours or combinations of colours – Conditions*

(European Parliament and Council Regulation 2017/1001, Arts 4 and 7(1)(b))

(see paragraphs 61, 62)

Operative part

The Court:

1. Annuls the decision of the Fourth Board of Appeal of the European Union Intellectual Property Office (EUIPO) of 18 January 2021 (Case R 217/2020-4);
2. Orders EUIPO to pay the costs.