



Reports of Cases

Judgment of the General Court (Tenth Chamber) of 29 March 2023 – Tinnus Enterprises v EUIPO – Mystic Products (Fluid distribution equipment)

(Case T-535/21)¹

(Community design – Invalidity proceedings – Registered Community design representing fluid distribution equipment – Ground for invalidity – Non-compliance with requirements for protection – Article 25(1)(b) of Regulation (EC) No 6/2002 – Features of appearance of a product solely dictated by its technical function – Article 8(1) of Regulation No 6/2002)

1. *Community designs – Grounds for invalidity – Designs dictated by their technical function – Features of appearance of a product which are dictated solely by its technical function – Criteria for assessment – Taking into account the relevant objective circumstances*

(Council Regulation No 6/2002, Arts 8(1) and 25(1)(b))

(see paragraphs 24-27, 57)

2. *Community designs – Grounds for invalidity – Designs dictated by their technical function – Representation of fluid distribution equipment*

(Council Regulation No 6/2002, Arts 8(1) and 25(1)(b))

(see paragraphs 34-42, 48, 67, 72, 82, 93)

3. *Community designs – Surrender and invalidity – Application for a declaration of invalidity – Examination of the application – Designs dictated by their technical function – Burden of proof*

(Council Regulation No 6/2002, Arts 8(1) and 25(1)(b))

(see paragraph 49)

4. *Community designs – Grounds for invalidity – Designs dictated by their technical function – Features of appearance of a product which are dictated solely by its technical function – Criteria for assessment – Existence of alternative designs – Irrelevant*

(Council Regulation No 6/2002, Arts 8(1) and 25(1)(b))

¹ OJ C 431, 25.10.2021.

(see paragraph 83)

Operative part

The Court:

1. Dismisses the action;
2. Orders Tinnus Enterprises LLC to bear its own costs and to pay those incurred by the European Union Intellectual Property Office (EUIPO).