



Reports of Cases

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

(Case T-576/21)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 25-28, 59)
- 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 35, 36, 40-42, 44-46, 48-50, 69, 74, 84, 95)
- 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 51)
- 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*

¹ OJ C 462, 15.11.2021.

(Council Regulation No 6/2002, Arts 8(1) and 25(1)(b))
(see paragraph 85)

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) and by Koopman International BV.