

Judgment of the General Court of 15 March 2023 — Novartis v EUIPO — AstraZeneca (BREZTREV)(Case T-174/22) ⁽¹⁾**(EU trade mark — Opposition proceedings — Application for the EU word mark BREZTREV — Earlier EU word marks ONBREZ, DAYBREZ, BREZILIZER and BREEZHALER — No likelihood of confusion — Article 8(1)(b) of Regulation (EU) 2017/1001)**

(2023/C 164/53)

Language of the case: English

Parties*Applicant:* Novartis AG (Basle, Switzerland) (represented by: A. Nordemann-Schiffel, lawyer)*Defendant:* European Union Intellectual Property Office (represented by: N. Lamsters and T. Frydendahl, acting as Agents)*Other party to the proceedings before the Board of Appeal of EUIPO, intervener before the General Court:* AstraZeneca AB (Södertälje, Sweden) (represented by: C. Tenkhoff and T. Herzog, lawyers)**Re:**

By its action under 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 21 January 2022 (Case R 738/2021-2).

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Novartis AG to pay the costs.

⁽¹⁾ OJ C 207, 23.5.2022.

Judgment of the General Court of 15 March 2023 — Novartis v EUIPO — AstraZeneca (BREZTRI)(Case T-175/22) ⁽¹⁾**(EU trade mark — Invalidity proceedings — EU word mark BREZTRI — Earlier EU word marks ONBREZ, BREZILIZER and BREEZHALER — No likelihood of confusion — Lack of enhanced distinctiveness of the earlier marks — Article 60(1)(a) and Article 8(1)(b) of Regulation (EU) 2017/1001 — Article 27(3)(b) of Regulation (EU) 2018/625)**

(2023/C 164/54)

Language of the case: English

Parties*Applicant:* Novartis AG (Basle, Switzerland) (represented by: A. Nordemann-Schiffel, lawyer)*Defendant:* European Union Intellectual Property Office (represented by: N. Lamsters and T. Frydendahl, acting as Agents)*Other party to the proceedings before the Board of Appeal of EUIPO, intervener before the General Court:* AstraZeneca AB (Södertälje, Sweden) (represented by: C. Tenkhoff and T. Herzog, lawyers)**Re:**

By its action under 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 21 January 2022 (Case R 737/2021-2).

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Novartis AG to pay the costs.

⁽¹⁾ OJ C 207, 23.5.2022.

Judgment of the General Court of 15 March 2023 — FA World Entertainment v EUIPO (FUCKING AWESOME)

(Case T-178/22) ⁽¹⁾

(EU trade mark — International registration designating the European Union — Word mark FUCKING AWESOME — Absolute ground for refusal — No distinctive character — Article 7(1)(b) of Regulation (EU) 2017/1001 — Legal certainty — Equal treatment — Principle of sound administration)

(2023/C 164/55)

Language of the case: English

Parties

Applicant: FA World Entertainment Inc. (Los Angeles, California, United States) (represented by: M. Breuer, I. Dimitrov and C. Tenbrock, lawyers)

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

Re:

By its action under Article 263 TFEU, the applicant seeks annulment of the decision of the Fifth Board of Appeal of the European Intellectual Office (EUIPO) of 3 February 2022 (Case R 1131/2021-5).

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders FA World Entertainment Inc. to pay the costs.

⁽¹⁾ OJ C 207, 23.5.2022.

Judgment of the General Court of 15 March 2023 — Zelmotor v EUIPO — B&B Trends (zelmotor)

(Case T-194/22) ⁽¹⁾

(EU trade mark — Revocation proceedings — EU figurative mark zelmotor — No genuine use of the mark — Article 58(1)(a) of Regulation (EU) 2017/1001)

(2023/C 164/56)

Language of the case: English

Parties

Applicant: Zelmotor sp. z o.o. (Rzeszów, Poland) (represented by: M. Rumak, 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: B&B Trends, SL (Santa Perpètua de Mogoda, Spain) (represented by: J. Mora Cortés, lawyer)