

Judgment of the General Court of 22 March 2023 — Fun Factory v EUIPO — I Love You (love you so much)

(Case T-306/22) ⁽¹⁾

(EU trade mark — Opposition proceedings — Application for EU word mark love you so much — Earlier EU figurative mark I LOVE YOU SINCE FOREVER — Relative ground for refusal — Likelihood of confusion — Article 8(1)(b) of Regulation (EU) 2017/1001)

(2023/C 179/59)

Language of the case: English

Parties

Applicant: Fun Factory GmbH (Bremen, Germany) (represented by: K.-D. Franzen, lawyer)

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

Other party to the proceedings before the Board of Appeal of EUIPO: I Love You, Inc. (Lewes, Delaware, United States)

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 22 March 2022 (Case R 1464/2021-4).

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders each party to bear its own costs.

⁽¹⁾ OJ C 284, 25.7.2022.

Judgment of the General Court of 29 March 2023 — celotec v EUIPO — Decotec Printing (DECOTEC)

(Case T-308/22) ⁽¹⁾

(EU trade mark — Invalidity proceedings — EU word mark DECOTEC — Absolute ground for invalidity — Lack of descriptiveness — Article 7(1)(c) of Regulation (EC) No 207/2009 (now Article 7(1)(c) of Regulation (EU) 2017/1001)

(2023/C 179/60)

Language of the case: English

Parties

Applicant: celotec GmbH & Co. KG (Sendenhorst, Germany) (represented by: E. Warnke and J. Römelt, lawyers)

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

Other party to the proceedings before the Board of Appeal of EUIPO, intervener before the General Court: Decotec Printing, SA (Barcelona, Spain) (represented by: K. Guridi Sedlak, lawyer)

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 21 March 2022 (Case R 1025/2021-5).

Operative part of the judgment

The Court:

1. Dismisses the action;