



## Reports of Cases

### **Order of the General Court (Eighth Chamber) of 11 December 2023 – Nieß v EUIPO – Terrasoverkapping-inkoop.nl (GARTENLÜX)**

**(Case T-754/22)<sup>1</sup>**

(EU trademark – Opposition proceedings – Application for the EU word mark GARTENLÜX – Previous company name and business name GARTENLUX – Relative ground for refusal – Article 8(4) of Regulation (EU) 2017/1001 – Action manifestly lacking any foundation in law)

1. *EU trade mark – Definition and acquisition of the EU trade mark – Relative grounds for refusal – Opposition by the proprietor of an unregistered trade mark or other sign used in the course of trade – Conditions – Interpretation in the light of EU law – Assessment by reference to the criteria determined by the national law governing the sign relied on*

*(European Parliament and Council Regulation 2017/1001, Art. 8(4))*

*(see paragraphs 21, 22)*

2. *EU trade mark – Definition and acquisition of the EU trade mark – Relative grounds for refusal – Opposition by the proprietor of an unregistered trade mark or other sign used in the course of trade – Word mark GARTENLÜX – Company name and trade name GARTENLUX*

*(European Parliament and Council Regulation 2017/1001, Art. 8(4))*

*(see paragraphs 24-28)*

### **Operative part**

1. The action is dismissed.
2. Ms Andrea Nieß shall bear her own costs and pay those incurred by Terrasoverkapping-inkoop.nl BV.
3. The European Union Intellectual Property Office (EUIPO) shall bear its own costs.

<sup>1</sup> OJ C 24, 23.1.2023.