



C/2024/2307

2.4.2024

**Judgment of the General Court of 7 February 2024 — Casal sport v EUIPO — Tennis d'Aquitaine
(CITY STADE)**

(Case T-220/23) ⁽¹⁾

(EU trade mark — Revocation proceedings — EU figurative mark CITY STADE — Trade mark which has become the common name in the trade for a product or service in respect of which it is registered — Activity or inactivity of the proprietor — Article 58(1)(b) of Regulation (EU) 2017/1001)

(C/2024/2307)

Language of the case: French

Parties

Applicant: Sports et loisirs (Casal sport) (Altorf, France) (represented by: C. Pecnard and C. Alet, lawyers)

Defendant: European Union Intellectual Property Office (represented by: C. Bovar and V. Ruzek, acting as Agents)

Other party to the proceedings before the Board of Appeal of EUIPO, intervener before the General Court: Tennis d'Aquitaine SAS (Ambarès, France) (represented by: A. Hinoux and V. Le Coq de Kerland, 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 3 February 2023 (Case R 179/2022-2).

Operative part of the judgment

The Court:

1. Annuls the decision of the Second Board of Appeal of the European Union Intellectual Property Office (EUIPO) of 3 February 2023 (Case R 179/2022-2);
2. Orders EUIPO to bear its own costs;
3. Orders Tennis d'Aquitaine SAS to bear its own costs and to pay those incurred by Sports et loisirs (Casal sport) in the proceedings before the Court and the Board of Appeal.

⁽¹⁾ OJ C 223, 26.6.2023.