

Judgment of the General Court of 6 June 2019 — Rietze v EUIPO — Volkswagen (Motor vehicle VW Caddy)(Case T-192/18) ⁽¹⁾

(Community design — Invalidation proceedings — International registration designating the European Union — Registered Community design representing the motor vehicle VW Caddy — Earlier Community design — Ground for invalidity — Individual character — Informed user — Different overall impression — Article 6 and Article 25(1)(b) of Regulation (EC) No 6/2002 — Burden of proof on the applicant for a declaration of invalidity — Requirements relating to the reproduction of an earlier design)

(2019/C 255/47)

Language of the case: German

Parties

Applicant: Rietze GmbH & Co. KG (Altdorf, Germany) (represented by: M. Krogmann, lawyer)

Defendant: European Union Intellectual Property Office (EUIPO) (represented by: S. Hanne, acting as Agent)

Other party to the proceedings before the Board of Appeal of EUIPO, intervener before the General Court: Volkswagen AG (Wolfsburg, Germany) (represented by: C. Klawitter, lawyer)

Re:

Action brought against the decision of the Third Board of Appeal of EUIPO of 11 January 2018 (Case R 1244/2016-3) relating to invalidity proceedings between Rietze and Volkswagen.

Operative part of the judgment

The Court:

1. *dismisses the action;*
2. *orders Rietze GmbH & Co. KG to pay the costs.*

⁽¹⁾ OJ C 161, 7.5.2018.

Judgment of the General Court of 6 June 2019 — Porsche v EUIPO — Autec (Motor vehicles)(Case T-209/18) ⁽¹⁾

(Community design — Invalidation proceedings — Registered Community design representing a motor vehicle — Earlier Community design — Ground for invalidity — No individual character — Article 6 and Article 25(1)(b) of Regulation (EC) No 6/2002)

(2019/C 255/48)

Language of the case: German

Parties

Applicant: Dr. Ing. h.c. F. Porsche AG (Stuttgart, Germany) (represented by: C. Klawitter, lawyer)

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

Other party to the proceedings before the Board of Appeal of EUIPO, intervener before the General Court: Autec AG (Nuremberg, Germany) (represented by: M. Krogmann, lawyer)

Re:

Action brought against the decision of the Third Board of Appeal of EUIPO of 19 January 2018 (Case R 945/2016-3), relating to invalidity proceedings between Autec AG and Dr. Ing. h.c. F. Porsche AG.

Operative part of the judgment

The Court:

- 1) *Dismisses the action;*
- 2) *Orders Dr. Ing. h.c. F. Porsche AG to pay the costs.*

(¹) OJ C 166, 14.5.2018.

Judgment of the General Court of 6 June 2019 — Porsche v EUIPO — Autec (Cars)

(Case T-210/18) (¹)

(Community design — Invalidity proceedings — Registered Community design representing a car — Earlier Community design — Ground for invalidity — No individual character — Article 6 and Article 25(1)(b) of Regulation (EC) No 6/2002)

(2019/C 255/49)

Language of the case: German

Parties

Applicant: Dr. Ing. h.c. F. Porsche AG (Stuttgart, Germany) (represented by: C. Klawitter, lawyer)

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

Other party to the proceedings before the Board of Appeal of EUIPO, intervener before the General Court: Autec AG (Nuremberg, Germany) (represented by: M. Krogmann, lawyer)

Re:

Action brought against the decision of the Third Board of Appeal of EUIPO of 19 January 2018 (Case R 941/2016-3), relating to invalidity proceedings between Autec AG and Dr. Ing. h.c. F. Porsche AG.