



## Reports of Cases

### **Order of the Court (Chamber determining whether appeals may proceed) of 17 October 2022 – SFD v EUIPO**

**(Case C-383/22 P)**

(Appeal – EU trade mark – Determination as to whether appeals should be allowed to proceed – Article 170b of the Rules of Procedure of the Court of Justice – Request failing to demonstrate that an issue is significant with respect to the unity, consistency or development of EU law – Refusal to allow the appeal to proceed)

1. *Appeal – Scheme for prior determination as to whether appeals should be allowed to proceed – Issue that is significant with respect to the unity, consistency or development of EU law – Burden of proof*

*(Statute of the Court of Justice, Art. 58a; Rules of Procedure of the Court of Justice, Arts 170a (1) and 170b)*

*(see paragraph 10)*

2. *Appeal – Scheme for prior determination as to whether appeals should be allowed to proceed – Request that an appeal be allowed to proceed – Formal requirements – Scope*

*(Statute of the Court of Justice, Art. 58a; Rules of Procedure of the Court of Justice, Arts 170a(1) and 170b)*

*(see paragraphs 11-13)*

3. *Appeal – Scheme for prior determination as to whether appeals should be allowed to proceed – Issue that is significant with respect to the unity, consistency or development of EU law – Request that the appeal be allowed to proceed failing to demonstrate that the issue is significant – Appeal not allowed to proceed*

*(Statute of the Court of Justice, Art. 58a; Rules of Procedure of the Court of Justice, Arts 170a(1) and 170b)*

*(see paragraph 14)*

4. *Appeal – Scheme for prior determination as to whether appeals should be allowed to proceed – Issue that is significant with respect to the unity, consistency or development of EU law – Review by the Court of the assessment of the facts and evidence – Precluded*

*(Statute of the Court of Justice, Art. 58a; Rules of Procedure of the Court of Justice, Arts 170a(1) and 170b)*

*(see paragraph 15)*

## **Operative part**

1. The appeal is not allowed to proceed.
2. SFD S.A. shall bear its own costs.