

EU case law / trademarks and designs /  
October 2025 - April 2026

Antwerp,  
26 March 2026

Stijn Debaene



# 10. GCEU, 12 November 2025, T-464/24, *V-Label v EUIPO - Vriendly (VRIENDLY.ORG V VEGAN)*

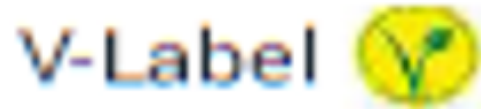
- Invalidity proceedings
- Article 60(1) EUTMR *juncto* Article 8(1)(b) and Article 8(2) EUTMR
- The trademarks:



- The invoked trademark is an EU certification mark for vegetarian and vegan products
- The trademarks are registered for identical goods

# 10. GCEU, 12 November 2025, T-464/24, *V-Label v EUIPO - Friendly (VRIENDLY.ORG V VEGAN)*

- Market study in Germany (2020): 55% positive responses to the question 'Do you recognize the name and/or logo of this label?':



- Market study in the EU (2022): Conclusion: 34% of the respondents have seen these signs:



# 10. GCEU, 12 November 2025, T-464/24, V-Label v EUIPO - Vfriendly (VRIENDLY.ORG V VEGAN)



[Home](#) » [Information for Producers](#)

Around the world, **more than 70,000 products** from more than 4,800 licensees now carry V-Label, a seal of quality granted for vegan and vegetarian goods and services. This internationally recognized label is guiding customers across the globe to identify plant-based choices at a glance.

If you are a producer, here is why you may want to consider getting V-Label certified:

**Win new markets.** With half of the population considering themselves flexitarians in countries such as Germany, Spain or Poland, there is a diverse, fast-growing customer base looking for vegan and vegetarian products, for reasons ranging from health to ethics.

# 9. GCEU, 25 February 2026, T-297/25, *Altendorfer v EUIPO - Haus zur Hanse (OX)*

- Revocation proceedings
- Article 58(1)(a) EUTMR *juncto* Article 18 EUTMR
- The sign:



- Registered for, *inter alia*, services for providing food and drink and hotel services in Class 43

## 9. GCEU, 25 February 2026, T-297/25, *Altendorfer v EUIPO - Haus zur Hanse (OX)*

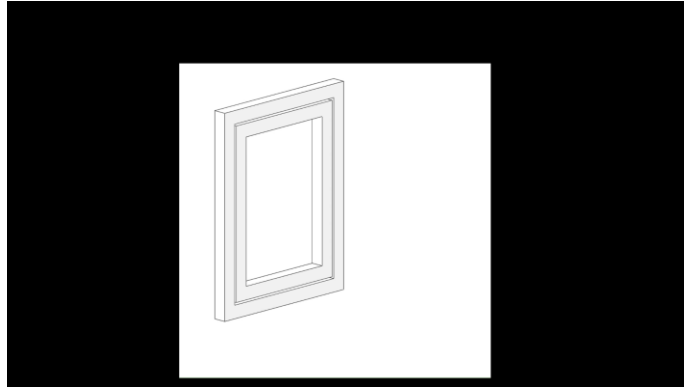
- In T-624/14 the General Court decided that use of a trademark for restaurant services in relation to one restaurant in Madrid (and the mention of the restaurant in press articles) was not sufficient from a geographical point of view.
- In T-297/25 it is also about a restaurant in one (small) city (Braunschweig in Germany):
  - It cannot be excluded that use in one Member State is sufficient (CJEU, 19 December 2012, C-149/11, *Leno Marken*)

## 9. GCEU, 25 February 2026, T-297/25, *Altendorfer v EUIPO - Haus zur Hanse (OX)*

- A distinction must be drawn between the place where the services are provided and the place of use of an EU trademark, since only the latter is relevant for the purposes of examining whether an EU trademark has been put to genuine use.
- The acts of advertising and of offering for sale are also relevant for the purposes of establishing genuine use of a trademark.
- Use not limited to the city of Braunschweig but extends to the whole of Germany and Austria (Internet advertising in German; website; Facebook, TripAdvisor, ...)

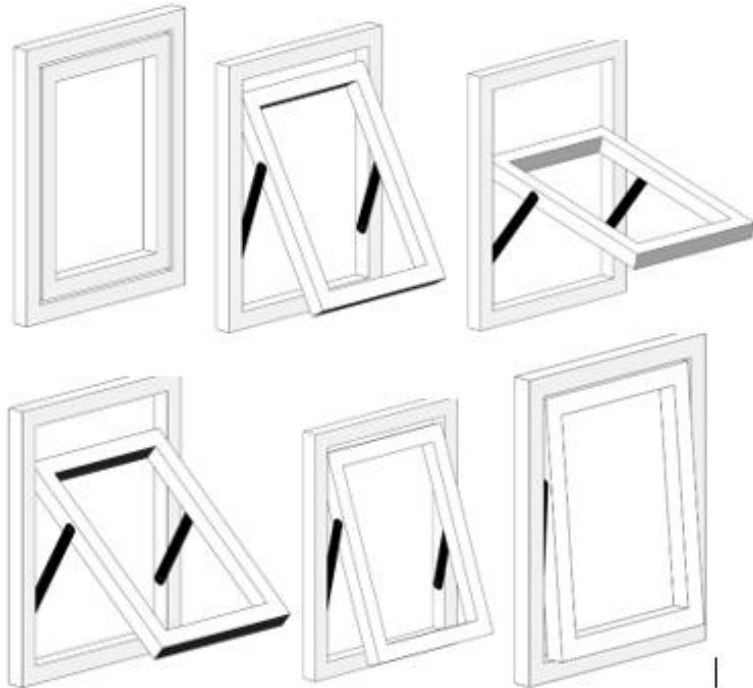
## 8. GCEU, 14 January 2026, T-9/25, *KCT v EUIPO (Movement of a folding window)*

- Examination proceedings
- Article 7(1)(e)(ii) EUTMR
- The sign:



- Application to register for, *inter alia*, vehicle windows for expedition vehicles in class 12

# 8. GCEU, 14 January 2026, T-9/25, *KCT v EUIPO (Movement of a folding window)*



## 8. GCEU, 14 January 2026, T-9/25, *KCT v EUIPO (Movement of a folding window)*

- Article 7(1)(e)(ii) EUTMR:

*"1. The following shall not be registered:*

*(...)*

*(e) signs which consist exclusively of:*

*(...)*

*(ii) the shape, or another characteristic, of goods which is necessary to obtain a technical result;"*

- *"17. (...) L'intérêt sous-tendant l'article 7, paragraphe 1, sous e), ii), dudit règlement est d'éviter que le droit des marques aboutisse à conférer à une entreprise un monopole sur des solutions techniques ou des caractéristiques utilitaires d'un produit (voir arrêt du 14 septembre 2010, Lego Juris/OHMI, C 48/09 P, EU:C:2010:516, point 43 et jurisprudence citée)." (underlining added)*

## 8. GCEU, 14 January 2026, T-9/25, KCT v EUIPO (Movement of a folding window)

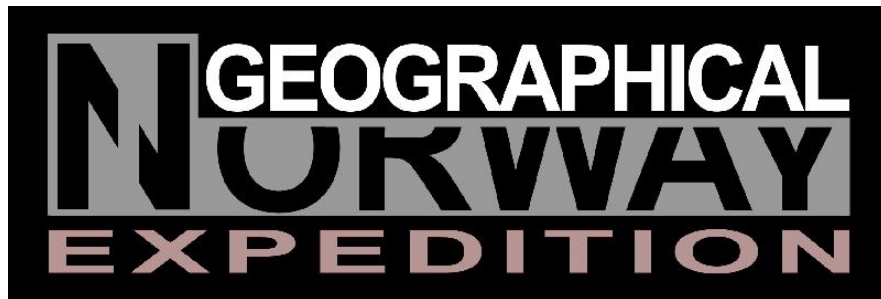
- "19. Une application correcte de l'article 7, paragraphe 1, sous e), ii), du règlement 2017/1001 implique que l'autorité statuant sur la demande d'enregistrement d'une marque, premièrement, identifie convenablement les caractéristiques essentielles du signe en cause, à savoir les éléments les plus importants de celui-ci, et, deuxièmement, détermine si ces caractéristiques répondent à une fonction technique du produit (voir, en ce sens et par analogie, arrêts du 18 septembre 2014, Hauck, C 205/13, EU:C:2014:2233, point 21 et jurisprudence citée, et du 23 avril 2020, Gömböc, C 237/19, EU:C:2020:296, point 28 et jurisprudence citée)."
- "21. S'agissant de la seconde étape de l'analyse mentionnée au point 19 ci-dessus, il incombe à l'autorité compétente de vérifier si les caractéristiques essentielles répondent toutes à la fonction technique du produit en cause. En effet, l'article 7, paragraphe 1, sous e), ii), du règlement 2017/1001 ne saurait s'appliquer lorsque la demande d'enregistrement en tant que marque porte sur une caractéristique de produit dans laquelle un élément non fonctionnel, tel qu'un élément ornemental ou fantaisiste, joue un rôle important. (...)"
- "38. (...), il convient de rappeler qu'il ressort de la jurisprudence que la condition de nécessité ne signifie pas que la caractéristique en cause doit être la seule permettant d'obtenir le résultat technique en question. Il est vrai que, dans certains cas, un résultat technique peut être obtenu par le biais de différentes solutions. Toutefois, cette circonstance n'a pas en soi pour conséquence qu'un enregistrement en tant que marque de la caractéristique en cause laisserait intacte la disponibilité de la solution technique qu'elle incorpore pour les autres opérateurs économiques [voir, en ce sens, arrêts du 14 septembre 2010, Lego Juris/OHMI, C 48/09 P, EU:C:2010:516, points 53 à 55, et du 31 janvier 2018, Novartis/EUIPO – SK Chemicals (Représentation d'un timbre transdermique), T 44/16, non publié, EU:T:2018:48, point 56 et jurisprudence citée]." (underlining added)

## 8. GCEU, 14 January 2026, T-9/25, KCT v EUIPO (Movement of a folding window)

- "29. *Eu égard à l'impression globale dégagée par la marque demandée conformément à la jurisprudence citée au point 19 ci-dessus, il y a lieu de considérer, à l'instar de la chambre de recours, que la séquence de mouvements dans son ensemble, consistant en l'ouverture et en la fermeture d'une fenêtre, est la caractéristique essentielle de la marque demandée.*"
- "33. *Compte tenu de ce qui précède, il y a lieu de conclure que toutes les caractéristiques essentielles de la marque demandée, à savoir le mouvement d'ouverture et de fermeture de la fenêtre, y compris le mouvement des entretoises, sont nécessaires à l'obtention du résultat technique du produit en cause.*"
- "41. *En tout état de cause, comme cela a déjà été souligné au point 33 ci-dessus, le mouvement de la fenêtre, y compris le mouvement des entretoises noires, est une caractéristique nécessaire à l'obtention du résultat technique visé. La circonstance que les concurrents de la requérante utiliseraient d'autres solutions techniques pour ouvrir et fermer les fenêtres pour les véhicules d'expédition est donc dénuée de pertinence. Cette circonstance ne saurait en effet pas faire obstacle à l'application des règles établies par le législateur de l'Union, et interprétées ci-dessus, selon lesquelles un signe constitué exclusivement par une caractéristique nécessaire à l'obtention du résultat technique visé par le produit en cause, sans ajout d'éléments non fonctionnels significatifs, ne peut pas être enregistré en tant que marque." (underlining added)*

## 7. GCEU, 11 March 2026, T-303/25, *SBG v EUIPO - VF International (GEOGRAPHICAL NORWAY EXPEDITION)*

- Invalidity proceedings
- Trademark of which declaration of invalidity was sought:



- Registered for, *inter alia*, clothing.

## 7. GCEU, 11 March 2026, T-303/25, *SBG v EUIPO - VF International (GEOGRAPHICAL NORWAY EXPEDITION)*

- Invalidity proceedings based on:
  - Relative grounds (likelihood of confusion / trademark with a reputation)
  - Absolute grounds (the applicant was acting in bad faith when he filed the application)
- Relative grounds based on this EU trademark registered for, *inter alia*, clothing:



# 7. GCEU, 11 March 2026, T-303/25, *SBG v EUIPO - VF International (GEOGRAPHICAL NORWAY EXPEDITION)*

- Bad faith ground based on the use of this sign:



## 7. GCEU, 11 March 2026, T-303/25, *SBG v EUIPO - VF International (GEOGRAPHICAL NORWAY EXPEDITION)*

- Rollercoaster:
  - Application for declaration of invalidity filed on 27 March 2017
  - Rejected in its entirety by Cancellation Division on 7 March 2019
  - Board of Appeal grants appeal re. bad faith on 6 April 2020
  - General Court annuls decision BoA on 8 September 2021
  - Board of Appeal concludes that there was no bad faith on 23 August 2022
  - General Court annuls decision BoA on 6 March 2024
  - Board of Appeal concludes that there was bad faith on 12 March 2025

## 7. GCEU, 11 March 2026, T-303/25, SBG v EUIPO - VF International (GEOGRAPHICAL NORWAY EXPEDITION)

*"The absolute ground for invalidity referred to in Article 52(1)(b) of Regulation No 207/2009 applies where it is apparent from relevant and consistent indicia that the proprietor of an EU trade mark has filed the application for registration of that mark not with the aim of engaging fairly in competition but with the intention of undermining, in a manner inconsistent with honest practices, the interests of third parties, or with the intention of obtaining, without even targeting a specific third party, an exclusive right for purposes other than those falling within the functions of a trade mark, in particular the essential function of indicating origin recalled in the previous paragraph of this judgment." (CJEU, 12 September 2019, C-104/18 P, Koton Mağazacılık Tekstil Sanayi ve Ticaret / EUIPO, para. 46) (underlining added)*

## 7. GCEU, 11 March 2026, T-303/25, SBG v EUIPO - VF International (GEOGRAPHICAL NORWAY EXPEDITION)

*"It is also apparent from that provision that the relevant time for determining whether there was bad faith on the part of the applicant is the time of filing the application for registration (judgment of 11 June 2009, Chocoladefabriken Lindt & Sprüngli, C 529/07, EU:C:2009:361, paragraph 35). **However, use of the contested mark may constitute a factor to be taken into account when establishing the intention underlying the application for registration, including use subsequent to the date of that application** (see, to that effect, judgments of 1 February 2012, Carrols v OHIM – Gambettola (Pollo Tropical CHICKEN ON THE GRILL), T 291/09, EU:T:2012:39, paragraph 76; of 8 May 2014, Simca Europe v OHIM – PSA Peugeot Citroën (Simca), T 327/12, EU:T:2014:240, paragraph 48; and of 23 May 2019, Holzer y Cia v EUIPO – Ancco (ANN TAYLOR and AT ANN TAYLOR), T 3/18 and T 4/18, EU:T:2019:357, paragraph 126)." (GCEU, 29 June 2022, T-306/20, Hijos de Moisés Rodríguez González v EUIPO – Ireland and Ornuo (La Irlandesa 1943), para. 81) (underlining added)*

# 7. GCEU, 11 March 2026, T-303/25, SBG v EUIPO - VF International (GEOGRAPHICAL NORWAY EXPEDITION)

Produits commercialisés par la demanderesse en nullité	Produits distribués par la titulaire
	
 <p data-bbox="672 659 772 690">MARQUE: contenant le Coton/Cordura®/Dacron®.</p>	
	

7. GCEU, 11 March 2026, T-303/25, *SBG v EUIPO - VF International (GEOGRAPHICAL NORWAY EXPEDITION)*



## 6. CJEU, 18 December 2025, C-323/24, *Deity Shoes*

- Reference for preliminary ruling from the Juzgado de lo Mercantil de Alicante
- Main question:

*"In order for a design to be covered by the system of protection under [Regulation No 6/2002], is it necessary for there to be a genuine design activity in such a way that the design is the result of the intellectual effort of its [designer]?" (underlining added)*

## 6. CJEU, 18 December 2025, C-323/24, *Deity Shoes*

- "22. *In those circumstances, it must be found that, by its first and third questions, which should be examined together, the referring court is asking, in essence, whether Regulation No 6/2002 and, in particular, Articles 4 to 6 thereof, read in the light of Article 14 of that regulation, must be interpreted as meaning that, in order to enjoy the protection conferred on a Community design, the owner or designer of that design must demonstrate, **in addition** to the existence of the conditions of novelty and individual character, that that design is the result of a minimum degree of originality.*" (un grado mínimo de diseño / un degré minimal de creation / een minimum aan creatieve activiteit)
- Answer:  
  
*"Regulation 6/2002 must be interpreted as meaning that, in order to enjoy the protection conferred on a Community design, the owner or designer of that design does not have to demonstrate, in addition to the existence of the conditions of novelty and individual character, that that design is the result of a minimum degree of creation." (underlining added).*

## 5. Grand BoA, 19 December 2025, R 2248/2019-G, *George Orwell*

- Examination proceedings
- Article 7(1)(b) and (c) EUTMR
- The sign: GEORGE ORWELL
- Application to register for, *inter alia*, books in Class 16

# 5. Grand BoA, 19 December 2025, R 2248/2019-G, *George Orwell*

## *INTA's written observations*

- 10 On 3 March 2021, after the publication in the Official Journal of the Office of the referral to the Grand Board, the International Trademark Association ('INTA') sent its written observations pursuant to Article 37(6) EUTMDR. INTA takes the view that 'the underlying issue of this case is the "dilemma of trade mark protection for names of historical persons, famous authors or of copyright works and their titles, whether or not still subject to copyright protection", which has given rise to contradictory decisions'. The main arguments are as follows:
- The outcome of this case could **disrupt** any sector involving famous names, from art and literature to sport, history, science and fashion. Numerous trade marks consisting of personal names, including famous ones, are registered in various registries, including that of the Office. The validity and enforceability of those marks, as well as of future applications, could therefore be adversely affected.
  - The right to protect a name and in particular a famous name, as a trade mark, should be safeguarded. Names of famous persons should not be subject to

## 5. Grand BoA, 19 December 2025, R 2248/2019-G, *George Orwell*

- (iii) The context of the infringement of book title and/or author name trade marks
  - Trade marks in the author's name and/or title of the work would provide **additional protection**, preventing unauthorised use of identical or similar signs to these marks on such unauthorised copies of the work where the requirements under any one of Article 9(2)(a) and (c) EUTMR are otherwise met.
  - The contested sign is plainly performing its normal functions of guaranteeing origin and quality and preventing uses of signs that are adverse to these functions.

# 5. Grand BoA, 19 December 2025, R 2248/2019-G, *George Orwell*

- Nevertheless, even after a work falls into the public domain, there is a role for trade mark protection in signs corresponding to the author's name and/or the titles of their creative works. By way of example:
  - A publisher of public domain works may choose to publish altered or edited versions of an author's work following its entry into the public domain. Examples might include censoring particular sections of the work, conversely adding offensive material into the work that was not previously present or attempting to condense or abridge the work by excising large passages of the work.
  - Such altered works might be presented as works of the author although they do not reflect either the author's opinions or views and/or although they adversely affect the average consumer's impression of the quality of the author's works. Clearly, such uses would adversely affect the origin, quality and investment functions of any trade marks corresponding to the author's name. Claims could be brought under Article 9(2)(a) and (b) EUTMR and (assuming the trade marks have a reputation) Article 9(2)(c) EUTMR. A defence under Article 14 EUTMR would not arise in this context as such uses (apart from anything else) would not be in keeping with honest commercial practices.
  - It would remain possible in this scenario for third parties to publish bowdlerised or altered versions of public domain works. The role of trade mark protection would be to prevent such works being wrongly attributed to the original author. In this sense, trade mark protection would be consistent with the interests of consumer protection, enabling genuine copies of an author's work to be distinguished from non-genuine and/or altered versions.

## 5. Grand BoA, 19 December 2025, R 2248/2019-G, *George Orwell*

136 The examiner was right to state that ‘it is a well-known fact that George Orwell is a very famous author [...]’ and to find the mark non-distinctive based on the following: ‘Given this context the name “George Orwell” will not convey a distinctive trade mark significance for the relevant consumer of the rejected goods and services but will rather be seen as an indication of subject matter: **being by or about George Orwell**’, the latter making reference to the ‘content’ in terms of authorship or that the goods and services refer to George Orwell.

## 4. Court of Appeal of England and Wales, 23 October 2025, *Thom Browne Inc & Anor v adidas AG* [2025] EWCA Civ 1340

- Thom Browne uses since a long time a four-bar design:



# 4. Court of Appeal of England and Wales, 23 October 2025, *Thom Browne Inc & Anor v adidas AG* [2025] EWCA Civ 1340

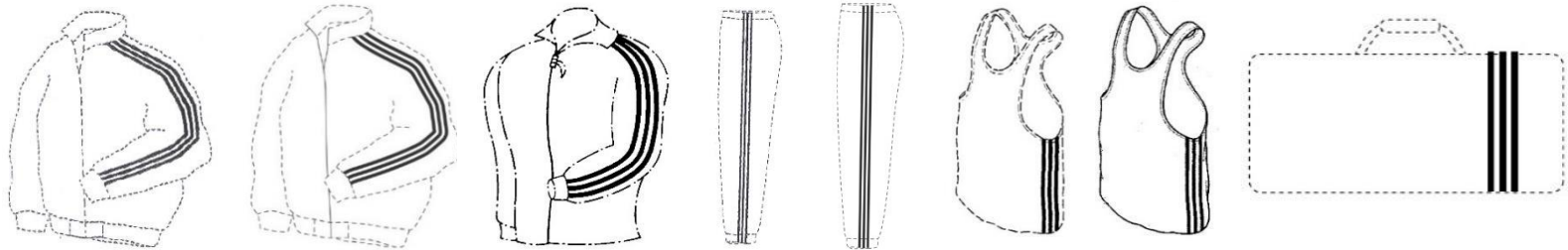
- Thom Browne seeks declaration of invalidity of 16 Adidas position marks:



- Adidas counterclaims for infringement

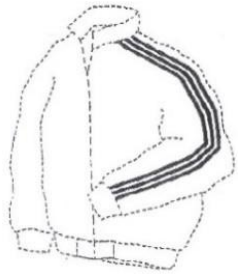
## 4. Court of Appeal of England and Wales, 23 October 2025, *Thom Browne Inc & Anor v adidas AG* [2025] EWCA Civ 1340

- In a decision of 13 December 2024, the High Court declares invalid 8 Adidas position marks:



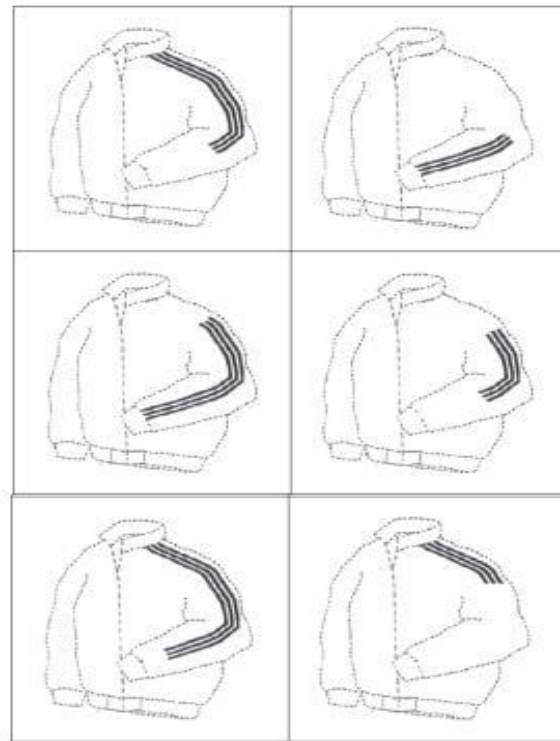
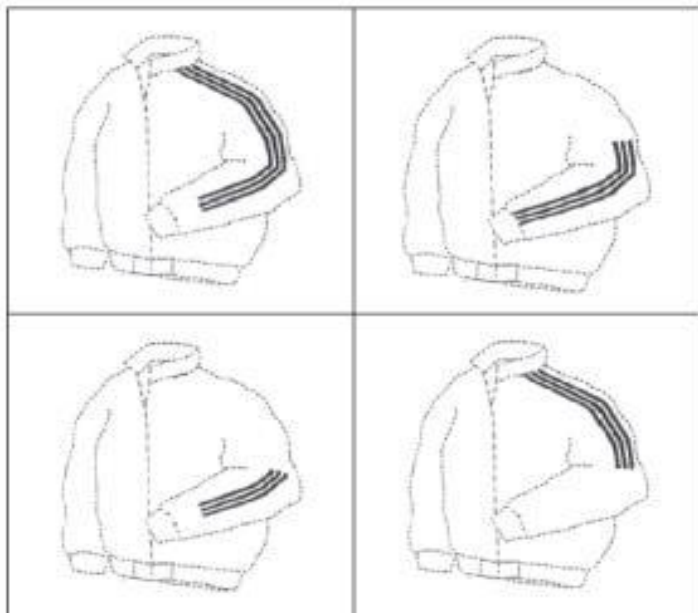
## 4. Court of Appeal of England and Wales, 23 October 2025, *Thom Browne Inc & Anor v adidas AG* [2025] EWCA Civ 1340

- Adidas appeals re. 6 of the 8 trademarks that were declared invalid:



*The mark consists of three parallel equally spaced stripes applied to an upper garment, the stripes running along one third or more of the length of the sleeve of the garment.*

# 4. Court of Appeal of England and Wales, 23 October 2025, *Thom Browne Inc & Anor v adidas AG* [2025] EWCA Civ 1340



### 3. CJEU, 18 December 2025, C-168/24, *PMJC* and CJEU, 26 March 2026, C-412/24, *Fauré Le Page*

- Two references for preliminary ruling from the French Cour de Cassation
- Article 3(1)(g) Directive 2008/95 (Article 4(1)(g) Directive 2015/2436):  
*"1. The following shall not be registered or, if registered, shall be liable to be declared invalid:*  
  
*(...)*  
  
*g) trade marks which are of such a nature as to deceive the public, for instance as to the nature, quality or geographical origin of the goods or service."*

### 3. CJEU, 18 December 2025, C-168/24, *PMJC* and CJEU, 26 March 2026, C-412/24, *Fauré Le Page*

- Article 12(2)(b) Directive 2008/95 (Article 20(b) Directive 2015/2436) :

*"2. A trade mark shall be liable to revocation if,*

*(...)*

*b. after the date on which it was registered as a result of the use made of it by the proprietor of the trade mark or with the proprietor's consent in respect of the goods or services for which it is registered, it is liable to mislead the public, particularly as to the nature, quality or geographical origin of those goods or services."*

### 3. CJEU, 18 December 2025, C-168/24, *PMJC*

- Jean-Charles de Castelbajac is a French fashion designer
- Jean-Charles de Castelbajac SA goes bankrupt in 2011 and the Jean-Charles de Castelbajac trademarks are assigned to PMJC SAS
- Agreement between PMJC SAS and Jean-Charles de Castelbajac expires on 31 December 2015
- PMJC sues for trademark infringement and Jean-Charles de Castelbajac counterclaims for revocation
- PMJC was condemned twice for infringement of Jean-Charles de Castelbajac's copyright

### 3. CJEU, 18 December 2025, C-168/24, *PMJC*

- CJEU, 30 March 2006, C-259/04, *Emanuel*



### 3. CJEU, 18 December 2025, C-168/24, PMJC

- "36. However, as explained, in essence, by the Advocate General in point 35 of his Opinion, the fact that a trade mark consisting of the name of a fashion designer is used by an undertaking with which that designer no longer has a connection is not sufficient, in itself, to justify the revocation of that trade mark (see, to that effect, judgment of 30 March 2006, *Emanuel*, C 259/04, EU:C:2006:215, paragraph 53). **The average consumer, who is reasonably well informed and reasonably observant and circumspect, is conscious of the fact that not all the goods bearing a trade mark corresponding to the name of a designer necessarily have been created by that designer.**" (CJEU, 18 December 2025, C-168/24, PMJC, para. 36) (underlining added)
- "50. On the other hand, it would be for the national court to determine whether or not, in the presentation of the trade mark 'ELIZABETH EMANUEL' there is an intention on the part of the undertaking which lodged the application to register that mark to make the consumer believe that Ms Emanuel is still the designer of the goods bearing the mark or that she is involved in their design." (CJEU, 30 March 2006, C-259/04, *Emanuel*, para. 50)

### 3. CJEU, 18 December 2025, C-168/24, PMJC

- *"Consequently, revocation on the basis of the provisions whose interpretation is sought presupposes that the existence of **actual deceit or a sufficiently serious risk** that the public will be deceived is proven, on the basis of the circumstances of the case (see, by analogy, judgment of 8 June 2017, W.F. Gözze Frottierweberei and Gözze, C 689/15, EU:C:2017:434, paragraph 54 and the case-law cited)." (CJEU, 18 December 2025, C-168/24, PMJC, para. 37) (underlining added)*

### 3. CJEU, 18 December 2025, C-168/24, PMJC

- *"The question whether the use made of the trade mark is such as to mislead the public must be examined having regard to all the circumstances relevant to the particular case. The fact stated in paragraph 15 of the present judgment, that is, **the presence of decorations pertaining to the specific creative universe of a designer and infringing his or her copyright**, on the goods covered by the trade marks consisting of the name of that fashion designer, as the Advocate General pointed out in point 95 of his Opinion, **may constitute such a relevant circumstance**, in so far as it increases the risk that the public may mistakenly perceive the creative origins of the goods covered by those trade marks." (Ibid., para. 40) (underlining added)*

### 3. CJEU, 26 March 2026, C-412/24, *Fauré Le Page*

- Fauré Le Page Maroquinier SAS is a Parisian leather goods company incorporated in 2009. It applies for and obtains registration for a French semi-figurative trademark for leather goods:

**FAURÉ LE PAGE**  
PARIS 1717

### 3. CJEU, 26 March 2026, C-412/24, *Fauré Le Page*

- Goyard St-Honoré SAS is another Parisian leather goods company which seeks the revocation of the trademark because it is misleading (the reference to the year 2017 conveys the impression that Fauré Le Page was established in 1717 and, consequently, that the goods covered by the marks are produced according to the know-how of a centuries-old company and possess a particular level of quality).
- The 'original' Fauré Le Page was incorporated in 1717 and was dissolved in 1992. All assets were transferred to its sole shareholder Saillard Paris Sarl, which sold the original "Fauré Le Page" trademark to Fauré Le Page Maroquinier SAS.

### 3. CJEU, 26 March 2026, C-412/24, *Fauré Le Page*

- Advocate-General (27 November 2025):
  - If the public perceives 1717 as the year of establishment of the trademark owner, the trademark cannot be declared invalid, because the year does not provide any information regarding the goods for which the trademark is registered but only regarding the owner.
  - If the public perceives the inclusion of the year of establishment in the trademark as an indication that the goods or services covered by the mark are produced or provided in accordance with specific know-how and possess a certain level of quality or prestige, the information does provide information regarding the goods. But that is not a sufficiently specific designation.

### 3. CJEU, 26 March 2026, C-412/24, *Fauré Le Page*

- Anyway, the potentially misleading nature of the mark, can in any event only be assessed in the light of the characteristics of the goods or services as they appear from the application for registration. Such characteristics do not include the year in which the trademark's owner was in fact established (in this case, 2009).
- The Court ? Decision is issued today.

## 2. CJEU, 5 February 2026, C-337/22 P, *EUIPO v Nowhere*

- On 30 June 2015, Mr. Junguo Ye applies for registration of the following EU trade mark:



## 2. CJEU, 5 February 2026, C-337/22 P, *EUIPO v Nowhere*

- On 8 March 2016 Nowhere Co. Ltd filed an opposition against this application, *inter alia* on the basis of the following three earlier, non-registered figurative trademarks used in the course of trade in the United Kingdom (article 8(4) EUTMR)



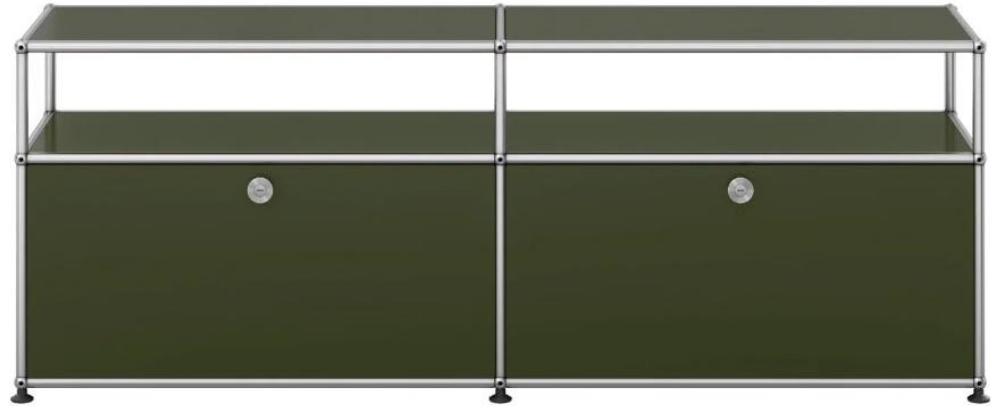
## 2. CJEU, 5 February 2026, C-337/22 P, *EUIPO v Nowhere*

- Brexit referendum on 23 June 2016
- Withdrawal Agreement enters into force on 1 February 2020 (transition period until 31 December 2020)
- Quid oppositions filed before expiration date but decided after expiration date?
- Board of Appeal decides on the opposition on 10 February 2021.

## 2. CJEU, 5 February 2026, C-337/22 P, *EUIPO v Nowhere*

- Board of Appeal rejects the opposition (10 February 2021)
- General Court grants the opposition (16 March 2002)
- Advocate-General advises to grant the opposition (10 April 2025)
- CJEU rejects the opposition (5 February 2026)

# 1. CJEU, 4 December 2025, C-580/23 and C-795/23, *Mio e.a.*



# 1. CJEU, 4 December 2025, C-580/23 and C-795/23, *Mio e.a.*

- Article 21 of the Uniform Benelux Act on Designs:

*"Tekeningen of modellen, die een duidelijk kunstzinnig karakter vertonen, kunnen tegelijkertijd door deze wet en door de auteurswet worden beschermd, indien aan de in deze beide wetten gestelde voorwaarden is voldaan. 2. Van bescherming uit hoofde van de auteurswet zijn uitgesloten tekeningen of modellen die geen duidelijk kunstzinnig karakter vertonen."*  
(underlining added)

# 1. CJEU, 4 December 2025, C-580/23 and C-795/23, *Mio e.a.*

- Benelux Court of Justice, 22 May 1987, A/1985/03, *Screenoprints / Citroën*

(28) Overwegende dat uit al het voorgaande volgt dat op de eerste vraag van de Hoge Raad moet worden geantwoord :

1) dat voor de in artikel 21 BTMW bedoelde bescherming uit hoofde van de auteurswet is vereist dat de tekening of het model kan worden aangemerkt als een werk - dat wil zeggen als een voortbrengsel met een eigen, oorspronkelijk karakter, dat het persoonlijk stempel van de maker draagt - op het gebied van de (toegepaste) kunst ;

# 1. CJEU, 4 December 2025, C-580/23 and C-795/23, *Mio e.a.*

- Article 17 of Directive 98/71/EC on the legal protection of designs

*"A design protected by a design right registered in or in respect of a Member State in accordance with this Directive shall also be eligible for protection under the law of copyright of that State as from the date on which the design was created or fixed in any form. **The extent to which, and the conditions under which, such a protection is conferred, including the level of originality required, shall be determined by each Member State.**"*

(underlining added)

# 1. CJEU, 4 December 2025, C-580/23 and C-795/23, *Mio e.a.*

- CJEU, 12 September 2019, C-683/17, *Cofemel*

*"29. The concept of 'work' that is the subject of all those provisions constitutes, as is clear from the Court's settled case-law, an autonomous concept of EU law which must be interpreted and applied uniformly, requiring two cumulative conditions to be satisfied. First, that concept entails that there exist an original subject matter, in the sense of being the author's own intellectual creation. Second, classification as a work is reserved to the elements that are the expression of such creation (...).*

*30. As regards the first of those conditions, it follows from the Court's settled case-law that, if a subject matter is to be capable of being regarded as original, it is both necessary and sufficient that the subject matter reflects the personality of its author, as an expression of his free and creative choices (...).*

**48. Having regard to all those provisions, it must be held that designs are capable of classification as 'works', within the meaning of Directive 2001/29, if they meet the two requirements mentioned in paragraph 29 of the present judgment.** (underlining added)

# 1. CJEU, 4 December 2025, C-580/23 and C-795/23, *Mio e.a.*

- *"50. On that point, it must be stated, first, that the protection of designs, on the one hand, and copyright protection, on the other, pursue fundamentally different objectives and are subject to distinct rules. As the Advocate General observed, in essence, in points 51 and 55 of his Opinion, the purpose of the protection of designs is to protect subject matter which, while being new and distinctive, is functional and liable to be mass produced. Further, that protection is to apply for a limited time, but sufficient time to ensure a return on the investment necessary for the creation and production of that subject matter, without thereby excessively restricting competition. For its part, the protection attached to copyright, the duration of which is significantly greater, **is reserved to subject matter that merits being classified as works.**"(CJEU, 12 September 2019, C-683/17, *Cofemel*, par. 50) (underlining added)*

# 1. CJEU, 4 December 2025, C-580/23 and C-795/23, *Mio e.a.*

- *"51. For those reasons, and as the Advocate General also observed in point 52 of his Opinion, the grant of protection, under copyright, to subject matter that is protected as a design must not have the consequence that the respective objectives and effectiveness of those two forms of protection are undermined.*

*52. It follows that, although the protection of designs and the protection associated with copyright may, under EU law, be granted cumulatively to the same subject matter, that concurrent protection **can be envisaged only in certain situations**." (CJEU, 12 September 2019, C-683/17, *Cofemel*, paras. 51-52) (underlining added)*

# 1. CJEU, 4 December 2025, C-580/23 and C-795/23, *Mio e.a.*

- *"57. It must therefore be held that a design may be classified as a 'work', for the purposes of Directive 2001/29, if it meets the two requirements set out in paragraph 48 above (see, to that effect, judgment of 12 September 2019, Cofemel, C 683/17, EU:C:2019:721, paragraph 48) **and that the originality of subject matter of applied art must be assessed according to the same requirements as those used to assess the originality of other types of subject matter.***

*58. In the light of the foregoing, the answer to the first question in Case C 795/23 is that Directive 2001/29 must be interpreted as meaning that **there is no relationship of rule and exception between design protection and copyright protection, such that, when assessing the originality of subject matter of applied art, it is necessary to apply stricter requirements than are laid down for other types of subject matter.**" (underlining added)*

# 1. CJEU, 4 December 2025, C-580/23 and C-795/23, *Mio e.a.*

- CJEU, 19 March 2026, C-649/23, *Institutul G. Călinescu*

# Nieuw nichekantoor



# Nieuw nichekantoor

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We are establishing a new law firm. The first names of the two founders are Carina and Stijn. Can you suggest some ... ▾

Since law firm names usually lean toward being either modern and punchy or traditional and formal, here are a few ways to blend **Carina** and **Stijn**:

### The "Modern & Minimalist" Approach

These work well for branding and logos:

- **Castin** Law (A direct syllabic blend: **Carina** + **Stijn**)
- **Stijca** Legal
- **Carist** Partners
- **Sticar** Advocacy

### The "Traditional & Professional" Approach

If you want to keep the full names for a sense of authority:

- **Carina & Stijn** (Simple, classic, and personable)
- **C&S** Legal Group
- **S&C** Law Firm
- **CS** Juris

### The "Creative & Abstract" Approach

Using the letters to create a new identity:

- **Cristijn** (A seamless phonetic merge)
- **Arcis** (Using the 'Ar' from Carina and 'is' from Stijn; *Arcis* is also Latin for "citadel" or "stronghold")
- **Insignis** (A play on the 'in' and 'st' sounds; Latin for "distinguished")

**Pro-tip:** Check your local **Bar Association** rules first, as some jurisdictions require the use of last names or have specific restrictions on "trade names" for law practices.

Would you like to see how any of these look in a **logo concept** or should we try incorporating your **last names** instead?

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