( EU trade mark – Invalidity proceedings – EU word mark Oberlo – Earlier EU word mark OBELIA – Relative ground for invalidity – Reputation of the earlier mark – Use without justification – Article 8(5) and Article 60(1)(a) of Regulation (EU) 2017/1001 )

In Case T-24/25,

**Lux Editions Albert Ferrand**, established in Vaires-Villeneuve-Saint-Georges (France), represented by T. de Haan and S. Vandenberghe, lawyers,

applicant,

**European Union Intellectual Property Office** (EUIPO), represented by V. Ruzek, acting as Agent,

defendant,

the other party to the proceedings before the Board of Appeal of EUIPO, intervener before the General Court, being

**HORSTS TI SCIENCE LIMITED**, established in Kanavos (Cyprus), represented by M. Krokos, lawyer,

THE GENERAL COURT (Eight Chamber),

composed of C. Gibert, President, T. Toth and B. Ricziová (Rapporteur), judges,

Registrar: G. Wilms, Administrator,

having regard to the written part of the proceedings,

further to the hearing of 5 December 2025,

gives the following:

## Judgment

1 By its action under Articles 263 TFEU, the applicant, Lux Editions Albert Ferrand, seeks the annulment of the decision of the Second Board of Appeal of the European Union Intellectual Property Office (EUIPO) of 9 December 2024 (Case R 992/2024-2) (the contested decision).

### Background to the dispute

2 On 10 January 2022, the applicant filed with EUIPO an application for a declaration of invalidity of the EU trade mark which had been registered on 20 November 2022 following an application filed by the intervener, Horsts Ti Science Limited, in 1 TECHNU LIMITED, on 27 December 2018 for the word sign Oberlo.

3 The goods covered by the contested mark in respect of which a declaration of invalidity was sought were in Class 17 of the Nice Agreement Concerning the International Classification of Goods and Services for the Purpose of the Registration of Marks of 15 June 1957, as revised and amended, and consisted of the following description: 'Rubber, gutta-percha, gum, asbestos, mica and substitutes thereof, semi-processed; plastics in extrusion form for use in manufacture; packaging, stopping and insulating materials; flexible pipes, not of metal; insulating materials; insulating fluids; insulating gas; gaskets for flexible pipes; fire-extinguishing compositions; fire-proofing compositions; fire-proof coatings; fire-proof cases for firearms; fire-proof cases for firearms; fire-proof cases for safes; insulating compounds for gaskets; automatic gas-heavy gun; gaskets; fuses; gutta-percha; hoses; jackets; holders, holsters, magazines and cartridges, for weapons and ammunition; component parts for guns; parts; non gas weapons; weapon apparatus; weapon installations; pepper sprays; gas bombs [weapons]; anthracite briquettes; gaseous propellants for weapons; component parts for firearms; component parts for firearms; military; component parts, military; component parts, weapons; fire-proof coatings; fire-proof cases; fire-proof cases; fire-proof cases; fire-proof safes; fire-proof safes; fire-proof safes