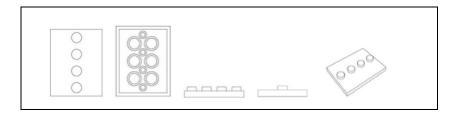Judgment of the General Court in Case T-537/22 | Delta Sport Handelskontor v EUIPO - Lego (Building block from a toy building set)

Intellectual property: the General Court of the European Union upholds the validity of the protection of the Lego toy brick

Since 2010, the Danish company Lego has benefited from protection of the design of its toy brick, pictured below, within the European Union.

In 2019, on an application made by a German company, Delta Sport Handelskontor, the European Union Intellectual Property Office (EUIPO) annulled that protection for the Lego brick. EUIPO considered that all the features of appearance of the Lego brick were solely dictated by the technical function of the product, namely to allow assembly with, and disassembly from, the rest of the bricks of the set.

However, in 2021, the General Court annulled EUIPO's decision [1]. EUIPO consequently adopted a new decision rejecting the application for invalidity made by Delta Sport Handelskontor. It found that it had not been appropriate to cancel the protection for the Lego brick since that brick benefited from a specific exception laid down in EU law which allowed for the protection of modular systems [2].

In 2022, Delta Sport Handelskontor brought another action before the General Court asking it to annul EUIPO's new decision.

By its judgment delivered today, the General Court dismisses that action.

It finds, on the basis of its case-law and adding to it, **that a design is declared invalid only in the case where all its characteristics are excluded from protection**. In this case, since some of the arguments made by Delta Sport Handelskontor concern only one of the characteristics amongst several upheld by EUIPO, those arguments must be held to be ineffective and, for that reason, dismissed.

The General Court also finds that Delta Sport Handelskontor, which bears the burden of proof in this context, had not provided evidence capable of demonstrating that the design of the Lego toy brick does not meet certain conditions required in order to benefit from the exception protecting modular systems, namely novelty and individual character.

Unofficial document for media use, not binding on the General Court.

The full text and, as the case may be, the abstract of the judgment are published on the CURIA website on the day of delivery.

Press contact: Jacques René Zammit ✆ (+352) 4303 3355.

Images of the delivery of the judgment are available on 'Europe by Satellite' ✆ (+32) 2 2964106.

Stay Connected!

---

[1] Judgment of 24 March 2021, *Lego v EUIPO – Delta Sport Handelskontor (Building block from a toy building set)*, T-515/19 (see also Press Release 48/21).

[2] Council Regulation (EC) No 6/2002 of 12 December 2001 on Community Designs.