



Model application for actions relating to intellectual property rights

September 2024

This model application is referred to in point 173 of the Practice Rules for the implementation of the Rules of Procedure of the General Court ('the Practice Rules').

It is made available to parties by way of guidance. Parties are invited to consult the texts governing proceedings before the General Court, in particular Article 177 of the Rules of Procedure of the General Court ('the Rules of Procedure') and points 108 to 120 and 182 to 184 of the Practice Rules.

APPLICATION

[Name of applicant], [residential address of natural person/seat or registered office of legal person]

Applicant

Represented by [...], [status and address of representative]

v

[Identity of the Office against which the action is brought: European Union Intellectual Property Office (EUIPO)/Community Plant Variety Office (CPVO)], [address of defendant]

Defendant

[If there is another party to the proceedings before the Board of Appeal of the Office concerned:]¹

[Name of other party to the proceedings before the Board of Appeal], [residential address of natural person/seat or registered office of legal person]

Represented by [...], [status and address of representative]

Other party to the proceedings before the Board of Appeal]

¹ Article 177(2) of the Rules of Procedure: 'Where the applicant was not the only party to the proceedings before the Board of Appeal of the Office, the application shall also contain the names of all the parties to those proceedings and the addresses which they had given for the purposes of notifications'.

UNDER [LEGAL BASIS]

FOR: *[by way of example]*

- annulment of the decision of the [...] Board of Appeal of *[the European Union Intellectual Property Office (EUIPO)/the Community Plant Variety Office (CPVO)]* of [date] in Case [number of case], notified to the applicant on [date].
- annulment and, as the case may be, alteration of the decision of the [...] Board of Appeal of *[the European Union Intellectual Property Office (EUIPO)/the Community Plant Variety Office (CPVO)]* of [date] in Case [number of case], notified to the applicant on [date]²

² Article 177(3) of the Rules of Procedure: 'The contested decision of the Board of Appeal shall be appended to the application. The date on which the applicant was notified of that decision must be indicated'. Point 182 of the Practice Rules: 'The application must contain the information referred to in Article 177(1) to (3) of the Rules of Procedure'.

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³ Point 110 of the Practice Rules: 'Each procedural document must contain the form of order sought by the party concerned, where this is required by the Rules of Procedure, or the request being made by the party and, where the length of the document exceeds five pages, a brief summary of the schema or a table of contents' (emphasis added).

INTRODUCTION⁴

1. ...
2. ...
3. ...

FACTS⁵

4. ...
5. ...
6. ...
7. ...

FIRST PLEA IN LAW, ALLEGING [STATE THE PLEA IN LAW]

8. ...
9. ...
10. ...
11. ...

SECOND PLEA IN LAW, ALLEGING [STATE THE PLEA IN LAW]

12. ...
13. ...
14. ...
15. ...

⁴ Article 177(1)(d) of the Rules of Procedure: 'An application shall contain: ... (d) the subject matter of the proceedings, the pleas in law and arguments relied on and a summary of those pleas in law'. See also point 184 of the Practice Rules, which refers to point 165 of the Practice Rules, according to which 'legal arguments should be set out and grouped by reference to the particular pleas in law to which they relate. Each argument or group of arguments should generally be preceded by a summary statement of the relevant plea. In addition, it is recommended that the pleas in law relied on each be given a heading to enable them to be identified easily' (emphasis added).

⁵ Point 184 of the Practice Rules, which refers to point 163 of the Practice Rules, according to which 'the introductory part of the application should be followed by a brief account of the facts giving rise to the dispute'.

16. ...

17. ...

18. ...

19. ...

THIRD PLEA IN LAW, ALLEGING [STATE THE PLEA IN LAW]

20. ...

21. ...

22. ...

FORM OF ORDER SOUGHT⁶

ON THOSE GROUNDS, THE APPLICANT CLAIMS THAT THE COURT SHOULD:

- ...
- ...
- [order sought as to costs]

⁶ Article 177(1)(e) of the Rules of Procedure: 'An application shall contain: ... (e) the form of order sought by the applicant'. See also point 184 of the Practice Rules, which refers to point 164 of the Practice Rules, according to which 'the precise wording of the form of order sought by the applicant must be stated either at the beginning or at the end of the application'. If the form of order sought is set out both at the beginning and at the end of the application, the author must ensure that both instances are identical.

SCHEDULE OF ANNEXES⁷

[example of schedule]

ANNEX NO	DESCRIPTION OF ANNEX	FIRST AND LAST PAGE OF ANNEX	MENTIONED FOR THE FIRST TIME IN §
A.1	[short description of annex (for example: 'letter'), stating the date, author and addressee]	[1-25]	[§ 4]
A.2	[short description of annex, stating the date, author and addressee]	[26-32]	[§ 12]
A.3	[short description of annex, stating the date, author and addressee]	[33-46]	[§ 18]
A.4			

⁷ See points 114 to 120 of the Practice Rules. It is not necessary to refer, in the schedule of annexes, to the formal documents referred to in Article 51(2) and (3) and Article 177(4) of the Rules of Procedure, if they are produced separately. However, if those formal documents are produced as annexes to the application, they must appear in the schedule of annexes.

ANNEX A.1

[example of a cover page to be inserted at the beginning of the annex concerned]