

European Union

“Husqvarna”

**Decision of the European Court of Justice (Fifth Chamber)
17 December 2020 – Case No. C-607/19 ECLI:EU:C:2021:61**

*Husqvarna AB v. Lidl Digital International GmbH &
Co. KG*

Regulation (EC) No 207/2009, Arts. 51(1)(a), 55(1)

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Keywords Revocation of rights · Genuine use · Expiry of the continuous five-year period · Date of assessment · EU mark · Counterclaim

1. Article 51(1)(a) of Council Regulation (EC) No 207/2009 of 26 February 2009 on the [European Union] trade mark must be interpreted as meaning that, in the case of a counterclaim for the revocation of rights in an EU mark, the relevant date for the purposes of determining whether the continuous five-year period referred to in that provision has ended is the date on which that counterclaim was filed.

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