

European Union

“Gemeinde Bodman-Ludwigshafen”

**Decision of the European Court of Justice (Fifth Chamber)
13 October 2022 – Case No. C-256/21; ECLI:EU:C:2022:786**

KP v. TV and Gemeinde Bodman-Ludwigshafen

Regulation (EU) 2017/1001, Arts. 124(a) and (d), 128

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Keywords Jurisdiction · Action for infringement · Invalidity · Withdrawal of main action · Autonomous nature of counterclaim · Counterclaim · EU trade mark

Article 124(a) and (d) and Article 128 of Regulation (EU) 2017/1001 of the European Parliament and of the Council of 14 June 2017 on the European Union trade mark, must be interpreted as meaning that an EU trade mark court hearing an action for infringement based on an EU trade mark the validity of which is challenged by means of a counterclaim for a declaration of invalidity still has jurisdiction to rule on the validity of that mark, in spite of the withdrawal of the main action.

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