



Press release dated June 12, 2025

DECATHLON and BARDEHLE PAGENBERG achieve a significant victory for European design protection before the EU General Court in Luxembourg

On June 4, 2025, the 8th Chamber of the General Court of the European Union (GC) confirmed the validity of two registered EU Designs owned by DECATHLON for the design of its revolutionary full-face snorkeling mask in two significant judgments. DECATHLON, the world's largest sports retailer, had developed this global innovation over many years and achieved design protection for it. The decisions confirm and recognize that the technology and design of this innovation are independent and unique.

The GC (T-1060/23 and T-1061/23) ruled that the two EU Designs (002340224-0001 and 002526699-0001) protecting the design of DECATHLON's iconic full-face snorkeling mask (model "EASYBREATH") are valid and dismissed the action brought by Delta-Sport Handelskontor GmbH ("Delta-Sport").

In particular, the court confirmed DECATHLON's view that the designs are not based solely on technical considerations, but rather on aesthetic developments and decisions. Furthermore, the court confirmed that there had been no comparable design for a similar product prior to this. It thus underscores DECATHLON's pioneering role in the development of this mask.

The design of the iconic "EASYBREATH" mask is invoked by DECATHLON in parallel proceedings against a third party that are currently pending before the Munich courts. A hearing is scheduled in these proceedings for July 31, 2025.

"The European Court's judgments are a clear victory for DECATHLON and send a strong signal for the protection of innovative designs in Europe," said Pascal Böhner, leading partner in the proceedings at BARDEHLE PAGENBERG. "They not only strengthen DECATHLON's position in the ongoing parallel proceedings, but also underline the importance of designs as a strategic protection tool against counterfeiting."

Axel Munier, partner at BARDEHLE PAGENBERG's Paris office, adds: *"In addition to the success that these well-founded judgments constitute for our client, DECATHLON,*

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we are particularly pleased about the successful cooperation between our Munich and Paris offices in these European proceedings.”

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Representative EUIPO in the oral hearing before the GC

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Instances involved

EUIPO Cancellation Division

EUIPO 3rd Board of Appeal

EU General Court (8th Chamber)

Panel of the GC’s 8th Chamber

Alexander Kornezov (Presiding Judge)

David Petrлік (Judge)

Suzanne Kingston (Judge Rapporteur)



BARDEHLE PAGENBERG combines the professional expertise of attorneys-at-law, patent attorneys, professional representatives before the European Patent Office, specialized trademark lawyers, and qualified technical consultants. Our consulting services are tailored to our clients' individual needs and the specific circumstances of each case.

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