



Press and Information

General Court of the European Union
PRESS RELEASE No 33/18
Luxembourg, 15 March 2018

Judgment in Case T-1/17
La Mafia Franchises, SL v EUIPO

The mark ‘La Mafia se sienta a la mesa’ is contrary to public policy

Italy successfully requests a declaration of invalidity of that mark as an EU trade mark

In 2006, the Spanish company La Honorable Hermandad (succeeded by La Mafia Franchises) filed an application with the European Union Intellectual Property Office for registration of the following EU mark, in respect of, inter alia, catering services:



In 2015 Italy filed an application with EUIPO for a declaration that that mark was invalid, on the ground that it was contrary to public policy and to accepted principles of morality. EUIPO granted that application. EUIPO held that the mark ‘La Mafia se sienta a la mesa’ manifestly promoted the criminal organisation known as the Mafia, and, moreover, that the full text of the word elements of that mark conveyed a message of conviviality and trivialised the word element ‘la mafia’, thereby distorting the serious connotations of that word.

As La Mafia Franchises was not satisfied by EUIPO’s decision, it brought an action seeking the annulment of that decision before the General Court.

By today’s judgment, the General Court **dismisses the action brought by La Mafia Franchises and confirms EUIPO’s decision.**

The General Court emphasises that the word element ‘la mafia’ is the dominant element of the Spanish company’s mark and is understood world-wide as referring to a criminal organisation that resorts, inter alia, to intimidation, physical violence and murder in carrying out its activities, which include drug and arms trafficking, money laundering and corruption. According to the General Court, **those criminal activities breach the very values on which the EU is founded, in particular the values of respect for human dignity and freedom, which are indivisible and make up the spiritual and moral heritage of the EU. Moreover, given their cross-border dimension, the Mafia’s criminal activities are a serious threat to security throughout the EU.** The General Court adds that the word element ‘la mafia’ has deeply negative connotations in Italy, on account of the serious harm done by that criminal organisation to the security of that Member State. **The General Court therefore confirms that the word element ‘la mafia’ manifestly brings to mind, for the public, the name of a criminal organisation responsible for particularly serious breaches of public policy.**

In addition, the General Court finds, first, that the fact that La Mafia Franchises intended to register the mark 'La Mafia se sienta a la mesa' with a view to alluding to the *Godfather* film series, not in order to shock or offend, is irrelevant to the negative perception of the mark by the public. The Court also explains that the reputation acquired by the Spanish company's mark and the concept of its theme restaurants, connected to the *Godfather* film series, are irrelevant for the purpose of assessing whether the mark is contrary to public policy. The General Court then notes that the fact that there are many books and films on the subject of the Mafia in no way alters the perception of the harm done by that organisation. Finally, the General Court endorses EUIPO's and Italy's analysis that the association of the word element 'la mafia' with the sentence 'se sienta a la mesa' (meaning 'takes a seat at the table' in Spanish) and with a red rose may convey a globally positive image of the Mafia's activities and trivialise the perception of the criminal activities of that organisation.

The General Court concludes that **the mark 'La Mafia se sienta a la mesa' refers to a criminal organisation, conveys a globally positive image of that organisation and trivialises the serious harm done by that organisation to the fundamental values of the EU. That mark is therefore likely to shock or offend not only the victims of that criminal organisation and their families, but also any person who, on EU territory, encounters that mark and has average sensitivity and tolerance thresholds, and must therefore be declared invalid.**

NOTE: EU trade marks are valid throughout the European Union and co-exist with national trade marks. Applications for registration of an EU trade mark are sent to EUIPO. Actions against its decisions may be brought before the General Court.

NOTE: An appeal, limited to points of law only, may be brought before the Court of Justice against the decision of the General Court within two months of notification of the decision.

NOTE: An action for annulment seeks the annulment of acts of the institutions of the European Union that are contrary to EU law. The Member States, the European institutions and individuals may, under certain conditions, bring an action for annulment before the Court of Justice or the General Court. If the action is well founded, the act is annulled. The institution concerned must fill any legal vacuum created by the annulment of the act.

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The [full text](#) of the judgment is published on the CURIA website on the day of delivery

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