



## PRESS RELEASE No 192/24

Luxembourg, 13 November 2024

Judgment of the General Court in Case T-82/24 | Administration of the State Border Guard Service of Ukraine v EUIPO (RUSSIAN WARSHIP, GO F\*\*K YOURSELF)

### **Intellectual property: the figurative sign consisting of the phrase ‘RUSSIAN WARSHIP, GO F\* \*K yourself’ in Russian and English cannot be registered as an EU trade mark**

*That phrase, which has become a symbol of Ukraine’s fight against Russian aggression, is not perceived as an indication of a commercial origin*

The Administration of the State Border Guard Service of Ukraine (Kyiv, Ukraine) requests the General Court of the European Union to annul the decision of the European Union Intellectual Property Office (EUIPO) of 1<sup>st</sup> December 2023, which refused registration of the following figurative sign as an EU trade mark:

РУССКИЙ ВОЕННЫЙ КОРАБЛЬ, ИДИ НА\*\*Й

RUSSIAN WARSHIP, GO F\*\*K YOURSELF

That mark is a war cry uttered by the Ukrainian border guard on Snake Island on 24<sup>th</sup> February 2022, the first day of the full-scale Russian invasion of Ukraine. Registration was sought for a very wide range of goods as well as for publishing, education, entertainment and sports services.

EUIPO refused registration on the ground that the mark is a political slogan devoid of any distinctive character for the goods and services at issue.

By its judgment, **the General Court dismissed the action brought by the Administration of the State Border Guard Service of Ukraine.**

**The Court considers that the phrase used in the mark** had been widely used and disseminated by the media, immediately after its first use, in order to rally support for Ukraine and **had become very quickly a symbol of Ukraine’s fight against Russian aggression.** Thus, that phrase was used in a political context, repetitively and with the aim of expressing and promoting support to Ukraine.

The Court observed **that a sign is incapable of fulfilling the essential function of a trade mark if the average consumer** does not **perceive**, in its presence, the indication of the origin of the goods or services, but **only a political message.** However, **the phrase in question has been used very intensively in a non-commercial context** (Russian aggression) and will necessarily be associated very closely with that context and at this recent historical moment, well known to the average EU consumer. **It will therefore not be perceived by the relevant public as an indication of the commercial origin of the goods and services which it designates.**

**NOTE:** EU trade marks and Community designs are valid for the entire territory of the EU. EU trade marks coexist with national trade marks. Community designs coexist with national designs. Applications for registration of EU trade marks and Community designs are addressed to EUIPO. Actions against its decisions may be brought before the General Court.

**NOTE:** An action for annulment seeks the annulment of acts of the institutions of the European Union that are contrary to European Union 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.

**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 and ten days of notification of the decision. The appeal will not proceed unless the Court first decides that it should be allowed to do so. Accordingly, it must be accompanied by a request that the appeal be allowed to proceed, setting out the issue(s) raised by the appeal that is/are significant with respect to the unity, consistency or development of EU law.

Unofficial document for media use, not binding on the General Court.

The [full text and, as the case may be, an abstract](#) of the judgment is published on the CURIA website on the day of delivery.

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Images of the delivery of the judgment are available on '[Europe by Satellite](#)' ☎ (+32) 2 2964106.

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