



## Newsletter

Week XLVI - XLVII: 11<sup>th</sup> to 22<sup>nd</sup> November 2024

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## Week XLVI: 11<sup>th</sup> to 15<sup>th</sup> November

### Wednesday 13<sup>th</sup> November

#### General Court

#### [Judgment in Case T-426/23 Chiquita Brands v EUIPO - Compagnie financière de participation \(Representation of a blue and yellow oval\)](#)

*(Intellectual, industrial and commercial property – Trade marks)*

Chiquita Brands (Florida, USA) has applied to the European Union Intellectual Property Office (EUIPO) to register the following figurative sign as a Union trademark for a number of foods, including fresh fruit



In May 2020, Compagnie financière de participation (Marseille, France) asked the EUIPO to declare the trade mark invalid. In its view, the mark was devoid of distinctive character.

The trade mark was declared invalid in May 2023, but only in respect of fresh fruit, including bananas. The EUIPO found that the mark was devoid of distinctive character for these goods and that Chiquita Brands had not established that it had acquired distinctive character through use, which would have prevented its invalidation.

Chiquita Brands is challenging the EUIPO's decision before the General Court of the European Union.

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All times are 9:30 unless otherwise stated.

Don't forget to check the diary on our website for details of other cases.

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[Background Documents T-426/23](#)

**There will be a press release for this case.**

**Wednesday 13<sup>th</sup> November**

**General Court**

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

*(Intellectual, industrial and commercial property – Trade marks)*

The Administration of the State Border Guard Service of Ukraine (Kiev, Ukraine) brings an action before the General Court of the European Union for annulment of the decision of the Office of the European Union for Intellectual Property (EUIPO) of December 1, 2023 refusing to register the following figurative sign as a trade mark of the European Union:

РУССКИЙ ВОЕННЫЙ КОРАБЛЬ, ИДИ НА\*\*Й

RUSSIAN WARSHIP, GO F\*\*K YOURSELF

The mark is said to be a war cry uttered by the Ukrainian border guard on the Isle of Serpents on February 24, 2022, the first day of the large-scale Russian invasion of Ukraine. Registration had been applied for in respect of a very wide range of goods, as well as publishing, education, leisure and sports services.

The EUIPO refused registration on the grounds that the mark was a political slogan devoid of distinctive character for the goods and services in question.

[Background Documents T-82/24](#)

**There will be a press release for this case.**

**Wednesday 13<sup>th</sup> November**

**General Court**

[Judgment in Cases T-58/20 NetCologne v Commission, T-64/20 Deutsche Telekom v Commission and T-69/20 Tele Columbus v Commission](#)

*(Competition – Concentrations between undertakings – Telecommunications)*

In October 2018, Vodafone Group PLC, a United Kingdom company operating in twelve Member States, including the Czech Republic, Germany, Hungary and Romania and sixteen Länder in Germany, specialising in mobile telecommunications, television and internet services, announced to the European Commission its intention to acquire sole control of Liberty Global's telecommunications activities in Germany, the Czech Republic, Hungary and Romania.

Liberty Global PLC, established in the UK, offers television, broadband internet and mobile services in various Member States. It operates in Germany under the name Unitymedia GmbH, a company offering television and broadband Internet services and in the Czech Republic, Hungary and Romania under the name UPC.

In Germany, this transaction consisted of the acquisition of 100% of the shares of Unitymedia.

Having initially raised serious doubts as to the compatibility of this transaction with the internal market, the Commission finally approved it in July 2019 (see [summary](#) of Commission Decision C(2019) 5187 final of 18 July 2019 declaring the concentration by which Vodafone Group plc acquires certain assets of Liberty Global plc compatible with the internal market and the EEA Agreement (Case COMP/M.8864 - Vodafone/Certain Liberty Global Assets).

This clearance was granted on condition that Vodafone complied with its commitments to remedy the competition concerns identified by the Commission.

Three German companies - Deutsche Telekom AG, Tele Columbus AG and NetCologne Gesellschaft für Telekommunikation AG - applied to the General Court of the European Union to have the decision annulled.

Fearing Vodafone's dominant position, in particular on the markets for the retail provision of television signal transmission services in Germany, they consider that the Commission committed manifest errors of assessment as to the competitive effects of the transaction in question.

[Background Documents T-58/20](#)

[Background Documents T-64/20](#)

[Background Documents T-69/20](#)

**There will be one press release for these cases.**

## Week XLVII: 18<sup>th</sup> to 22<sup>nd</sup> November

### Tuesday 19<sup>th</sup> November

[Judgment in Cases C-808/21 Commission v Czech Republic \(Eligibility and membership of a political party\) and C-814/21 Commission v Poland \(Eligibility and membership of a political party\)](#)

*(Citizenship of the Union)*

Czech and Polish legislation confers the right to become a member of a political party solely on nationals. Consequently, according to the European Commission, citizens of the EU who reside in these Member States, but are not nationals of them, cannot exercise their right to stand as a candidate in municipal and European Parliament elections, enshrined in Union law, under the same conditions as Czech and Polish nationals.

Taking the view that such a refusal constitutes a difference in treatment based on nationality, prohibited by EU law – namely Article 22 TFEU, under which every citizen of the Union residing in a Member State of which he is not a national has the right to vote and to stand as a candidate in municipal elections in the Member State in which he resides, under the same conditions as nationals of that State, the Commission brought two actions for failure to fulfil obligations before the Court of Justice against the Czech Republic and Poland respectively.

The action brought against the Czech Republic also extends to the prohibition on becoming a member of a political movement imposed on citizens of the Union who reside in that Member State and are not Czech nationals.

[Background Documents C-808/21](#)

[Background Documents C-814/21](#)

**There will be one press release for these cases.**

## SAVE THE DATE - IRELAND

**Thursday 21<sup>st</sup> November**

[WHAT: Breakfast Press Talk – Reporting the CJEU](#)

[WHERE: European Public Space, Europe House, 12-14 Lower Mount Street, Dublin](#)

[WHEN: 21<sup>st</sup> November starting 0930](#)

**The Press Office of the Court of Justice of the EU will be organising a Breakfast Talk for the Press in Dublin on the 21<sup>st</sup> of November.**

Jacques Zammit, the Press Attaché responsible for the English Desk, will be giving an

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informal briefing on the workings of the Court and of the services that are available to help better “report the Court”. Join me for a chat over coffee and morning bites while we will discuss what the Court does and what tools are available to be better informed about what is happening in Luxembourg. By the end of the morning, reporting on the Court will be a piece of cake (or croissant).

*Although the Breakfast Talk is aimed at members of the press, other parties interested in learning how the CJEU works or following it regularly are welcome to attend.*

Reserve a place by mailing: [Press.ENDesk@curia.europa.eu](mailto:Press.ENDesk@curia.europa.eu)

## HEARINGS OF NOTE\*

### Information Note concerning streaming on the Curia website

*Please note the following [new conditions](#) for streaming on the website including the new length of availability of the video recordings:*

In order to facilitate public access to its judicial activity, the Court of Justice of the European Union offers a system for broadcasting hearings.

The delivery of judgments of the Court of Justice and the reading of opinions of the Advocate Generals are broadcast live on [this page](#). Broadcasting will be enabled at the start of the hearing, at the time indicated in the [judicial calendar](#).

Certain hearings of the Court of Justice involving oral pleadings are, however, broadcast with a delay. This concerns, as a rule, hearings in cases referred to the full Court, to the Grand Chamber, or, exceptionally, where this is justified by the importance of the case, to a chamber of five judges. The video recordings of those hearings will remain available on this website for a maximum period of one month after the close of the hearing.

### Court of Justice

Tuesday 12<sup>th</sup> November 2024: 09:30 – [Case C-59/23 P Austria v Commission \(Nuclear power plant Paks II\)](#) (Competition – State Aid) (**streamed on Curia**)

Thursday 14<sup>th</sup> November 2024: 09:30 – [Case C-397/23 Jobcenter Arbeitplus Bielefeld](#) (Non-discrimination)

Thursday 14<sup>th</sup> November 2024: 14:30 – [Case C-685/23 Corner and Border](#) (Taxation)

Tuesday 19<sup>th</sup> November 2024: 09:00 – [Case C-769/22 Hungary v Commission \(Union Values\)](#) (Principles of Community Law) (**streamed on Curia**)

## General Court

Tuesday 12<sup>th</sup> November 2024: 09:30 – [Case T-510/20 RENV Fachverband Spielhallen and LM v Commission](#) (Competition – State Aid)

Wednesday 13<sup>th</sup> November 2024: 09:30 – [Case T-289/23 Khan v Counsel](#) (Restrictive measures – Ukraine)

Wednesday 13<sup>th</sup> November 2024: 14:30 – [Case T-366/22 Ryanair v Commission \(Condor II; COVID-19\)](#) (Competition – State Aid)

Wednesday 13<sup>th</sup> November 2024: 14 :30 – [Case T-165/23 Arkema France v Commission](#) (Commercial Policy – Dumping)

Thursday 14<sup>th</sup> November 2024: 09:30 – [Case T-575/22 Robin Wood v Commission](#) (Environment)

Friday 15<sup>th</sup> November 2024: 09:30 – [Joined Cases T-1170/23, T-1171/23, T-1172/23, T-1173/23 Spin Master Toys UK v EUIPO - Verdes Innovations \(Cube shape with faces having a grid structure\)](#) (Intellectual, industrial and commercial property)

Friday 15<sup>th</sup> November 2024: 09:30 – [Case T-36/23 Stevi and The New York Times v Commission](#) (Provisions governing the institutions – Access to documents)

Thursday 21<sup>st</sup> November 2024: 09:30 – [Case T-579/22 ClientEarth v Commission](#) (Environment)

\* This is a non-exhaustive list and does not include all the hearings over the next two weeks.