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Judgment of the General Court in Case T-255/23 | Escobar v EUIPO (Pablo Escobar)

The name Pablo Escobar may not be registered as an EU trade mark

The public would associate that name with drug trafficking and narco-terrorism

On 30 September 2021, Escobar Inc., established in Puerto Rico (United States), filed an application with the European Union Intellectual Property Office (EUIPO) for **registration of the word sign Pablo Escobar as an EU trade mark** for a wide range of goods and services.

The Colombian national named Pablo Escobar, who was born on 1 December 1949 and died on 2 December 1993, is presumed to be a drug lord and a narco-terrorist who founded and was the sole leader of the Medellín cartel (Colombia).

EUIPO rejected the application for registration on the ground that the mark was contrary to public policy and to accepted principles of morality. It relied on the perception of the Spanish public, as it is the most familiar with Pablo Escobar due to the links between Spain and Colombia.

Escobar Inc. brought an action against that decision before the General Court of the European Union.

The Court upholds the refusal to register the trade mark Pablo Escobar.

According to the Court, EUIPO could rely, in its assessment, on the perception of **reasonable Spaniards, with average sensitivity and tolerance thresholds** and who share the **indivisible and universal values on which the European Union is founded** (human dignity, freedom, equality and solidarity, and the principles of democracy and the rule of law and the right to life and physical integrity).

EUIPO correctly found that **those persons would associate the name of Pablo Escobar with drug trafficking and narco-terrorism and with the crimes and suffering resulting therefrom**, rather than with his possible good deeds in favour of the poor in Colombia ¹. The trade mark would therefore be perceived as running counter to the fundamental values and moral standards prevailing within Spanish society.

The Court adds that **Pablo Escobar's fundamental right to the presumption of innocence has not been infringed** because, even though he was never criminally convicted ², he is publicly perceived in Spain as a symbol of organised crime responsible for numerous crimes.

NOTE: EU trade marks and Community designs are valid throughout the territory of the European Union. EU trade marks co-exist with national trade marks. Community designs co-exist with national designs. Applications for registration of EU trade marks and Community designs are sent 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 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.

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 2 months and 10 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.

Press contact: Jacques René Zammit ☎ (+352) 4303 3355.

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

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¹ According to Escobar Inc., this earned him the nickname of 'Robin Hood of Colombia'.

² He was killed by the police.