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Envoyé par ve_jrc.ec-eu-emblem (JRC) <ec-eu-emblem@ec.europa.eu>. Toutes les réponses doivent être effectuées à cette adresse électronique.

Dear Mr Sosna,

Thank you for contacting us regarding the e-mail that was sent to the company EVDB, in relation to the use of the European emblem.

We disagree with your interpretation. In several cases (e.g. T-127/02 and T-413/11) the European Court of Justice decided that additional elements do not mean that there is no heraldic imitation. The circle of 12 yellow/gold stars in a blue background is still clearly present in the logo.

Therefore, the use made by the company EVDB could still create the incorrect impression or assumption that there is a connection (for instance a collaboration, or sponsorship, etc.) between the company and the European Union.

However, the aim of the monitoring use of the European emblem is to avoid such impression or assumption. In this particular case, we find that this aim is achieved if your client would add a disclaimer to its web site, stating that there is no connection between the company and any of the institutions, bodies, offices and organs of the European Union or the Council of Europe.

We look forward to receiving your agreement.

Best regards,

Anna ROMANOU



European Commission

Joint Research Centre

Intellectual Property and Technology Transfer

CDMA 00/151

From: kanzlei@esser-kanzlei.de <kanzlei@esser-kanzlei.de>

Sent: Monday, September 30, 2019 1:58 PM

To: EC-EU-EMBLEM <EC-EU-EMBLEM@ec.europa.eu>

Cc: kanzlei@esser-kanzlei.de

Subject: Fwd: Ares(2019)5645387 - Unauthorised use of the European emblem - Evdbinschiffer ; our reference: 1237/19-DCS

Dear Colleague Mrs Romanou,

please note that our law office is appointed to represent the legal interests of the association „Europäische Vereinigung der Binnenschiffer e.V. – EvdB“.

We are asked on behalf of our client to respond to your e-mail which was sent to our client on 9th September 2019.

In this E-Mail, you demand our client to cease the use of the European emblem with reference to an alleged infringement of the legal preconditions under the administrative agreement (2012/C271/04).

This agreement generally allows any natural or legal person the use of the European emblem under the legal preconditions determined therein.

Our client does not agree with your conclusion, that the use of the EVdB-emblem would constitute an unlawful use of the European emblem. Further our client must doubt your opinion that the use of the European emblem next to our client's company emblem would create the risk of an incorrect impression to the public that our client is linked to any of the European institutions.

In fact there is no likelihood of confusion as the company logo of the EVdB is adequately distorted and due to the added symbols it is clear to the public that there is no official connection.

The logo is a mix-up of the European emblem supplemented by the symbols „*anchor*“, „*handshake*“ and „*EVDB*“ in bold-type letters.

Therefore our client is convinced that the use of the adequately distorted European emblem complies with the legal preconditions set out in the administrative agreement (2012/C 271/04) and thus is to be considered lawful.

We kindly ask you on behalf of our client to reassess your opinion.

We are looking forward to hearing from you, many thanks for your efforts.

Mit freundlichen Grüßen / With kind regards

David-Christopher Sosna, LL.M.
Rechtsanwalt
Fachanwalt für Transport- und Speditionsrecht