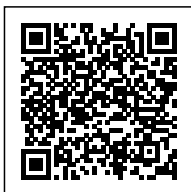


PONS IP SECURES VICTORY FOR US POP STAR MILEY CYRUS

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PONS IP has acted for Miley Cyrus in her claim against EUIPO to use her name as a registered trademark in the EU



US pop star Miley Cyrus will be able to use her name as a registered trademark in the European Union (EU), following the recent ruling by the General Court of the European Union (GC of the EU) in relation to the EU trademark MILEY CYRUS, which was initially rejected by the EUIPO in a case dating back to 2014 when the singer applied to register her stage name as a trademark with the European Union Intellectual Property Office (EUIPO).

The recent judgment thus annuls the decision of the EUIPO of 2 April 2020, which supported part of its opposition argument for the CYRUS trademark, citing the possible confusion between the two registered trademarks before the application for registration of the singer's trademark. Following the EAGGT ruling, the well-known artist will be free to use her trademark on many goods and services such as audio and video discs, mobile phone cases, e-books, electronic board games, calendars, among others, within the European Union.

The case has been led by PONS IP's lawyer and head of Litigation Jean Devaureix (pictured left). Devaureix also had the technical support of the PONS IP Trademark team with Carmen González (pictured top right), director of Trademarks of the firm, and Amparo del Río (pictured bottom right), Legal manager of the Trademark Area of PONS IP.

According to Jean Devaureix, the relevance of the General Court's judgment is that: "not only do the parties agree that neither Miley nor Cyrus is a common name or surname for the English-speaking public, but also that the public does not perceive either the name Miley or the surname Cyrus as common". Moreover, the court notes, the famous singer and actress is known by her first name and surname together, "so that these two elements must be regarded as equally distinctive and, as the applicant rightly claims, one cannot be regarded as dominant in relation to the other". The Court, Devaureix recalls, concluded that the Board of Appeal was, therefore 'wrong' to consider that the 'miley' element of the brand applied for would be perceived as a less dominant element in comparison with the 'cyrus' element.