

# Trade Marks and Fashion



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# Fashion

## What fashion is?

A popular or the latest style of clothing, footwear, accessories?

A prevailing style in behavior and the newest creations of textile designers?

The production and marketing of new styles of clothing, accessories?

**...Much more than that.**



# Fashion and Trade Marks

Are trade marks in fashion different from other trade marks?

They need to fulfill the same conditions.

But their forms are more varied and innovative.

The legal challenge is bigger.



# Extending the Brand

Fashio  
n

Clothing & Footwear

Bags, leather goods

Fragrances and cosmetics

Sunglasses and spectacles

Mobile cases

Decoration articles

Stationery goods

Home textiles

Games

Entertainment services

Hotel and restaurant services



# Names of Persons

Existing person, made up name?

CAROLINA HERRERA, CALVIN KLEIN, MASSIMO DUTTI

PEPE, MANOLO, CUSTO

Do they find problems to be protected and enforced?

Mr Fiorucci, Ms Rossi & others



# A Variety of Cases

ENZO FUSCO vs ANTONIO FUSCO

Miss ROSSI vs MARCOROSSO

ELIO FIORUCCI &



The battle of PEPE JEANS

MANOLO vs MANOLO'S ELDA



# Evolution

From complete names to acronyms:

CAROLINA HERRERA: CH

CALVIN KLEIN: CK

YVES SAINT LAURENT: YSL

DOLCE & GABBANA: D&G

From names or acronyms to composed names:

**New Look Limited:** NL, NLSPORT, NLCOLLECTION, NLGIRL, NLACTIVE, NLJEANS



# Calvin Klein Case One

ECJ - T-185/07 – Calvin Klein Trademark Trust v  
OAMI 07.05.2009



CK CREACIONES KENNYA





# Calvin Klein Case Two

CTM Court – Alicante – 317/11 – Calvin Klein  
Trademark Trust v Mansour Dairek Attoumi  
22.07.2011



Spanish TM 2226121



# Registration vs Use

## D&G Dreaming or Gaming?

Spanish TM 2654484

Dream & Game



# A Local Touch

PEPE:	<b>London</b>
CAROLINA HERRERA:	<b>New York</b>
CHRISTIAN DIOR:	<b>Paris</b>
CUSTO:	<b>Barcelona</b>
PRADA:	<b>Milano</b>
LOEWE:	<b>Madrid</b>



# Non-Traditional Marks



CTM 5282322



CTM 8845539 P



# France: Louboutin vs Zara



FR 3067674



FR 33414903



# US: Louboutin vs YSL



US 3361597





# + Colour, Position, Stitching



CTM 92585



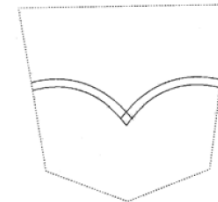
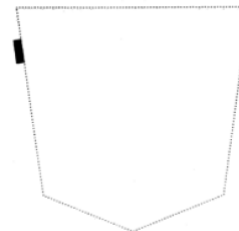
CTM 33159

## LEVI'S

CTM 26708

## 501

CTMs 65318, 65342, 112862, 2285443, 2287613



# Shapes



CTM 5043021





# Shapes



CTM 3693116



# Patterns



CTM 15602



CTM 5903075

CHCH  
HCHC  
CHCH  
HCHC



# Double Victory



CTM 9435686

IC  
CI

Carolina Herrera Ltd's CDs



CTM 5044268

CH  
HC





# When TMs do not suffice

Super Dry

CTM 8670051



# Marketing & Legal

## A peaceful coexistence?

Creative Teams & Projects

Naming and Branding

Checking & Planning & Protecting

Time Pressure

Budget constraints

Need to cooperate



# Fashion and Trade Marks



Thank you for your attention!

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