

Apple Store design worthy of trademark: EU court

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Apple has the right to trademark its flagship store design, the EU's highest court said on Thursday, though under certain conditions.

In 2013, after two years of trying, iPhone-maker Apple successfully registered the design of its stores with the United States patent office, and then set out to extend the trade mark internationally.

Germany, the European Union's biggest market, refused the patent saying there was nothing unique to the store design and that the request was groundless.

Apple appealed its case with a German patent [court](#) which requested a binding opinion from the European Court of Justice on whether a store design could be trademarked without any indication of size or proportion.

In its response Thursday, the court said that the layout of a store could constitute a trademark using only "an integral collection of lines, curves and shapes" as long as it "departs significantly" from the norms of the economic sector concerned.

The court added however that the uniqueness of a design must be assessed on a case-by-case basis, taking into account competing stores and the shifting expectations of shoppers.

It is now up to the German national court to rule on Apple's individual

case, in line with the EU court opinion.

Apple stores have become a ubiquitous presence in shopping malls worldwide, with the emergence of down-to-the-detail copycat shops in China selling fake Apple products and services.

The stores have already secured US patents for features including glass staircases, multi-tiered shelving along the rear walls, and oblong table with stools at the rear.

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