

Louboutin wins EU court battle over red-soled shoes

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Christian Louboutin may want to put on his dancing shoes after winning a battle over trademarking his signature red-soled footwear

French luxury shoe designer Christian Louboutin won the support of Europe's highest court Tuesday over trademarking his signature red-

soled high-heeled shoes.

Louboutin took Dutch shoe maker Van Haren to court in the Netherlands after Van Haren sold similar shoes, and the case was then referred to the European Court of Justice.

Paris-based Louboutin has marketed the red-bottomed shoes for more than a quarter of a century and the glam footwear was featured on the consumerism-worshipping television series "Sex and the City".

"I can confirm that Louboutin won the case. The Dutch company has to respect the trademark," a spokesperson for the European Court of Justice, the bloc's top court, told AFP.

The French shoemaker hailed the decision as a "victory for the Maison Christian Louboutin."

The years-long, arcane legal dispute centred on whether Louboutin's trademark involved a shape or a colour under European Union law.

Louboutin filed a trademark in 2010 and then took the Dutch company to court when it started selling high-heeled red-soled women's shoes in 2012 at its outlets in the Netherlands.

The Dutch company argued that European regulations say shapes by themselves cannot be registered as trademarks, and the Dutch court referred the issue to the ECJ.

Louboutin argued that the use of a colour—specifically in this case a red pigment called Pantone 18 1663TP—can be trademarked. It added too that the "shape" in question was just a way of showing where the colour is located on the bottom of the shoe.

'Clear victory'

Judges in Luxembourg on Tuesday rejected the official advice of their own top lawyer, who said in February that the red soles could not be trademarked.

Dutch judges must now make a final decision but the Louboutin company welcomed the decision.

"It's a clear victory and a great satisfaction," a Louboutin spokeswoman told AFP.

The French shoemaker said that the EU court had "confirmed that the legal regime governing shape trademarks does not apply to Christian Louboutin's 'red sole' mark.

"The red colour applied on the sole of a woman's high heel shoe is a position mark, as Maison Christian Louboutin has maintained for many years. Maison Christian Louboutin warmly welcomes this judgement."

Louboutin has faced a series of legal battles over its distinctive soles.

A Paris appeals court in May ruled against the French shoe company Kesslord after it sold red-bottomed shoes and ordered it to pay 7,500 euros in damages to Louboutin.

"The ECJ has, in the same way as the Paris appeals court, ruled that the application of a colour in a specific position on a product is a distinct and protected trademark," Vanessa Bouchara, an intellectual property lawyer, told AFP.

In 2012 a US court also said that Louboutin could trademark the red soles, reversing an earlier ruling that would have allowed rival Yves Saint

Laurent to paint its outsoles scarlet.

But one year before that Louboutin lost a separate case in France against the Spanish clothing chain Zara.

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