

Adidas and the stripes

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In 2015, Adidas successfully opposed the registration of two EU marks comprising two stripes belonging to Shoe Branding Europe marks on the basis of its three stripe registrations. On appeal, the EU General court has confirmed this position finding it likely that the use of the two-stripe mark will take unfair advantage of the three-stripe registration. This decision may deter the adoption of two stripe variations by others in the EU while Adidas continues to defend its three stripe registrations.

This may differ from the situation in South Africa, in that the Supreme Court of Appeal has found previously that two stripes on shoes had not constituted trade mark infringement or passing off, when the particular shoe was considered.



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