INTELLECTUAL PROPERTY

Red is Louboutin

29 June 2018 *1 min read*

By Janine Hollesen and Donvay Wegierski, Directors

Luxury shoe designer Christian Louboutin received a favourable ruling from the Court of Justice of the European Union ("CJEU") recognising its claim to the colour red (pantone 18-1663TP) as a trade mark.

Louboutin successfully sued Dutch shoe retailer van Haren for infringing its signature colour red trade mark applied to high heel shoes in 2013. Van Haren, however, retaliated and applied to invalidate Louboutin's colour red trade mark on the grounds that it comprised exclusively of a shape (being the shape of the sole of a high heeled shoe) and as a result was not valid as an EU trade mark.

The court ruled that the trade mark granted protects the colour as applied to a specific part of the shoe, rather than a shape which demonstrates the contour of the shoe to which the colour red is applied.

This ruling means that Louboutin now has exclusivity in relation to red soles for shoes – very powerful protection indeed.

If you would like to learn more about Intellectual Property please visit our practice area page.



Janine Hollesen

Head of Intellectual Property

View Profile



Donvay Wegierski

Director

View Profile