

LEGAL/PRIVACY

Christian Louboutin's red denied trademark protection by Swiss court

May 12, 2016



Still from Christian Louboutin's "Who Killed Amazoula" look book

By STAFF REPORTS

French footwear and accessories label Christian Louboutin's attempt to protect its red soles by registering them as a protected brand has been turned down.

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The Swiss Federal Administrative Court ruled in a statement published May 12 that the red soles are merely a decoration, rather than a brand, making them ineligible for a trademark. Christian Louboutin has been seeking sole ownership of its red soles, protecting itself legally from any copycat attempts.

Sole status

Christian Louboutin has been asking Swiss courts to grant its soles trademark status on and off since 2010, according to [Reuters](#). This time around, the court ruled that since women look at the red soles as decorative, rather than a brand in and of themselves.

The label has previously sought and secured trademark status for its soles in the European Union and countries including Australia, China and Russia.

In Brussels, the company won an appeal in its case against the Dutch Company Van Haren, which was forced to cease production of red soled shoes after the court ruled that Louboutin's red was a distinctive brand signifier.

However, the Swiss court decided that this did not constitute a legal precedence.



Louis Vuitton Homme

Other court cases have similar decided that Louboutin's red is not solely its own to claim.

In New York, Christian Louboutin brought a lawsuit against Saint Laurent, which had designed a monochromatic red shoe including a red sole. In 2012, the court threw out the case, saying that while the Louboutin trademark would remain intact, it would not prevent YSL from making its shoes, since they did not infringe upon the copyright.

The court decision surrounding the Yves Saint Laurent versus Christian Louboutin trademark case awarded each fashion house a small victory, but experts are wondering if this is something that should have been started in the first place since the footwear designer runs the risk of losing its trademark all together ([see story](#)).

If Louboutin chooses, it can appeal this latest Swiss decision in a higher court.

1 thought on “Christian Louboutin’s red denied trademark protection by Swiss court”

1. Andrei Mincov says:

June 14, 2016 at 10:52 pm

Even giants face the issue when some countries recognize their trademarks, while some others don't. Sometimes, you can attempt to find a brand that's universally recognizable. But sometimes you just make do with protection in the countries that grant it and do without in the countries that don't.

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