

APPAREL AND ACCESSORIES

## Does Gucci own the rights to its stripes?

June 29, 2017



*Gucci often features a green-red-green stripe motif in its designs. Image credit: Gucci*

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By STAFF REPORTS

Italian apparel and accessories house Gucci has accused fast-fashion retailer Forever 21 of copying its stripes and motifs in its clothing design.

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According to Fashionista, Gucci has filed a number of cease-and-desist letters, some of which were submitted as early as December 2016. Forever 21 is no stranger to being accused of designing low-priced versions of popular designer wares, but Gucci has recently found itself under similar accusations ([see story](#)).

Pattern protection

Kering-owned Gucci feels that Forever 21 has infringed on the copyright of the brand's often-used stripe motif.

In the cease-and-desist letters, Gucci requests that Forever 21 pull all items with "any and all use of" a blue-red-blue pattern stripes. In January, Gucci extended the request to also include any green-red-green stripes.

Gucci stated in the letters that the use of the stripes are "confusingly similar" to the trim on its apparel and accessories.

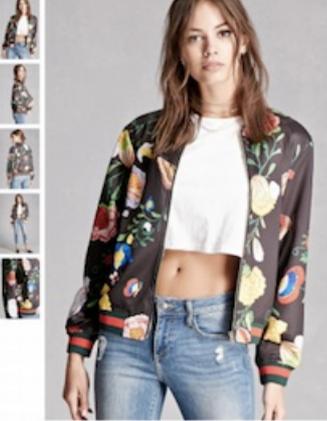
Forever 21 clothing has the motif on a number of items such as choker necklaces, bomber jackets and sweaters for men and women.

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**Floral Bomber Jacket**  
\$68.00

Color: Black

Size: Size Guide  
S M L

Qty: 1

**Description**

\*Available for shipment exclusively within the U.S.

**Details**  
A knit bomber jacket featuring an all-over floral print, striped ribbed trim, a zip front, front zip po and long sleeves. This is an independent brand and not a Forever 21 branded item.

**Content + Care**  
- 95% polyester, 5% spandex  
- Hand wash cold  
- Made in China

**Size + Fit**  
- Model is 5'9" and wearing a Small  
- Full length: 23"  
- Chest: 41"  
- Waist: 40"  
- Sleeve length: 23.25"

Product Code: 2000206673

*A floral bomber jacket sold by Forever 21 incorporates a green-red-green stripe. Image credit: Forever 21*

The fast-fashion retailer responded to Gucci's allegations saying in case documents, "Forever 21 is not infringing any Gucci trademark. Gucci's trademark registrations relevant to this dispute should be canceled. Gucci's pending applications should not proceed to registration. This matter is ripe for a declaratory judgment."

But, can Gucci claim a simple, and common, pattern as intellectual property?

In a similar case, footwear designer Christian Louboutin found out it could not.

Christian Louboutin had sought to protect its signature red sole trademark against other brands using the concept. A court in Switzerland sided against Christian Louboutin, ruling that the color of a sole is decoration, not branding, and therefore cannot receive trademark protection ([see story](#)).

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