

FRAGRANCE AND PERSONAL CARE

EU court advisor agrees with Coty on third-party retail stance

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Marc Jacobs' popular Daisy fragrance line is produced by Coty. Image credit: Marc Jacobs

By STAFF REPORTS

Fragrance brand Coty, Inc. is now one step closer to preventing a German retailer from selling its perfumes online thanks to the opinion of an advisor to the European Union's Court of Justice.

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The high-profile legal dispute between Coty and a German-based distributor, Parfmerie Akzente, has been ongoing for nearly a decade. Coty asked a German court to prevent Akzente from selling its fragrances, such as those by Marc Jacobs and Chlo, on Amazon.

Selective scents

Coty's initial complaint was dismissed by the German court, who cited antitrust laws as its reasoning. But, in March, the German court decided to move the case to the European Union's Court of Justice for review.

The case will determine if brands have the right to forbid retail distributors from selling through certain ecommerce channels. Luxury is of the opinion that they should always have a say in how their products are sold to maintain and protect positioning and status ([see story](#)).

On July 26, Coty inched closer to having that question answered when an adviser to Europe's top court stated that the perfumer should be able to block Akzente from selling its goods on online marketplaces such as Amazon.



Chlo Love Story Eau Sensuelle fragrance. Image credit: Chlo

In a non-binding opinion, advocate general Nils Wahl at the European Union's Court of Justice said, "A supplier of luxury goods may prohibit its authorized retailers from selling its products on third-party platforms such as Amazon or eBay."

According to Reuters, Court of Justice judges follow the opinion of advisers four out of five cases when decided a ruling. The final determination of "Coty Germany GmbH v Parfmerie Akzente GmbH" will be held in the months ahead.

In a statement, a Coty spokesperson said, "We are satisfied that the general counsel understands our position."

Coty is behind the fragrances marketed by Marc Jacobs, Calvin Klein and Chlo, among others.

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