

APPAREL AND ACCESSORIES

Gucci fires back at Forever 21 with countersuit

August 8, 2017



Gucci pre-fall 2017 collection. Image credit: Gucci

By STAFF REPORTS

Italian fashion label Gucci's legal battle with fast fashion retailer Forever 21 over its trademarked stripes is far from over.

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Following a number of cease and desist letters sent by the luxury label starting in December, Forever 21 brought its own legal action against Gucci in June, with a suit claiming that the blue-red-blue stripes in question were common enough that Gucci cannot claim ownership ([see story](#)). On Aug. 8, Gucci has taken the fight further, filing counterclaims against Forever 21 in the United States District Court, Central District of California, saying that Forever 21 has diluted and infringed on its trademarks.

Rights to stripes

Gucci's litigations against Forever 21 center on its green-red-green and blue-red-blue webbing, which Gucci America owns U.S. trademarks for.

Forever 21's June 26 suit against the house sought to nullify the company's trademarks in the U.S., including some of its pending trademarks. It also asked for a judgment that its merchandise did not infringe upon Gucci's trademarks.


The products in question include floral and silver bombers with striped trims, a striped choker and sweaters featuring a blue-red-blue border.

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Floral Bomber Jacket
\$68.00

Color: Black

Size: Size Guide
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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

Gucci is claiming Forever 21 infringed on its trademarks. Image credit: Forever 21

Now, Gucci is seeking to dismiss Forever 21's claims, suing the brand for trademark infringement, trademark dilution and unfair competition. Gucci's claims include mention of the retailer's frequent legal battles over copying, which have included suits from Diane Von Furstenberg and Anna Sui, among others.

Gucci's filings also note that it attempted to resolve the dispute out of court, but that Forever 21 was the party that turned this into a litigious matter. The brand also claims that most of the trademarks for its webbing are not able to be contested due to their longevity.

"Gucci's renowned blue-red-blue and green-red-green stripe webbing trademarks have been iconic codes of the House of Gucci for more than 50 years, following their introduction in 1951 and 1963 respectively, with the first U.S. trademark registration of the webbing dating back to 1979," said Gucci in a statement.

"Despite Forever 21's attempt to use its lawsuit to intimidate Gucci into ceasing its trademark enforcement efforts, Gucci is as committed as ever to protecting its long established intellectual property rights, which are at the heart of the brand's identity, and to ending once and for all Forever 21's reprehensible exploitation of its distinctive trademarks and those of other brands who have suffered the same type of piracy.

"Gucci considers the defense and enforcement of its celebrated trademarks of paramount importance in protecting its customers from those who wish to knowingly profit from deception and confusion."