

APPAREL AND ACCESSORIES

EU court sides with defendant over Louboutin's red-sole trademark

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Should a red sole be exclusive to just one footwear brand? Image credit: Christian Louboutin

By STAFF REPORTS

Footwear designer Christian Louboutin is back in court over trademark protections for its signature red-soled shoes.

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Per Footwear News on Feb. 7, the European Union's highest court sided with the defendant in a trademark lawsuit filed by the Christian Louboutin brand in 2012. Christian Louboutin has actively sought ownership of its red soles, protecting itself legally from any copycat attempts, including Kering-owned Saint Laurent, as it feels that a shoe with a red bottom is a brand signifier, not just a colorful decoration ([see story](#)).

Red in the face

In its 2012 lawsuit, Christian Louboutin sued Dutch footwear brand Van Haren for selling high heel shoes with red soles at its outlets in The Netherlands.

Christian Louboutin won an appeal in its case against Van Haren in 2013. At that time, the Brussels Court of Appeal ruled that Van Haren cease production of red soled shoes due to its decision that Louboutin's red was a distinctive brand signifier.

Van Haren has argued that Christian Louboutin's red bottom trademark is invalid.

In an appeal hearing Feb. 7 at the EU's highest court, advocate general Maciej Szpunar sided with the defendant, Van Haren.



All Christian Louboutin shoes have red soles, which it argues is a brand signifier. Image credit: Christian Louboutin

Advocate general Szpunar decided that a trademark that combines a color and shape, such as red-colored shoe sole, could be refused or declared invalid based on EU trademark law. This decision sends Christian Louboutin's case back to Dutch courts for consideration.

In Switzerland, its court ruled in May 2016 that red soles are merely a decoration, rather than a brand, making them ineligible for a trademark. Nevertheless, Christian Louboutin has won red-soled trademark cases in Russia, China, Australia and India ([see story](#)).

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