

LEGAL

## Why Manolo Blahnik's China trademark victory is so important for luxury

July 20, 2022



*After more than 20 years, Manolo Blahnik can finally expand in China using his own name after winning a trademark dispute. Photo courtesy of Manolo Blahnik*

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After a more than two decades-long battle, luxury mainstay [Manolo Blahnik](#) has declared a landmark victory in a high-profile trademark dispute in China.

Earlier this month, the London-based brand was successful in its hard-fought efforts to invalidate a Chinese trademark registration incorporating the "Manolo Blahnik" name, which since 2000 has impeded the Spanish designer's efforts to launch a meaningful expansion using his own name within mainland China.

Calling the ruling "a remarkable result," Manolo Blahnik, brand founder and creative director, said, "We are truly humbled and grateful for the support we have received in China and internationally, both from within the fashion industry and beyond. This generous assistance has been a significant contributing factor to this successful result."

This case will have significant implications both for the Manolo Blahnik brand, as well the broader China luxury market in the years to come, setting a crucial precedent that could benefit international brands across the pricing spectrum.

The nature of the Manolo Blahnik case illustrates the difficulties brands have long faced in registering and protecting their trademarks within mainland China.

The dispute dates all the way back to 1999, a time when relatively few major global luxury brands had a notable retail presence in mainland China and consumer awareness of these brands was significantly lower than today.

According to Manolo Blahnik CEO Kristina Blahnik, "During the course of the case, the China luxury market grew exponentially, with greatly increased recognition of international luxury brands amongst the Chinese consumer. The importance of the luxury market to the wider economy in China has also grown and, with it, the Chinese consumer's expectation of authenticity within luxury brands in the Chinese market."

The origin of the conflict was a January 1999 trademark application filed by an individual in China for "Manolo & Blahnik" covering footwear, with the filing approved and published by the China Trade Mark Office (CTMO) one

year later. Shortly after, Manolo Blahnik filed an opposition to the CTMO and embarked on a costly and challenging legal dispute.

The struggles faced by the brand over the next two decades illustrate both how far the China luxury market has come and how far it needs to go to protect global brand IP.

A key challenge faced by Manolo Blahnik over the course of the dispute is that the brand's extensive operations in the United Kingdom since the 1970s and other markets such as the United States, Hong Kong, Japan and Western Europe throughout the 1980s and up to 1999 did not include a foothold in the mainland China market before the offending trademark was filed.

This led to the initial setback in August 2001, when the CTMO dismissed Manolo Blahnik's opposition on the basis that the evidence submitted did not prove the brand's reputation in mainland China prior to the pirate IP filing date.

In the decades that followed, the brand filed numerous unsuccessful appeals to invalidate the unauthorized mark before achieving a victory in December 2020, when the Supreme People's Court granted a rarely-awarded right to appeal.

Following a retrial hearing in January 2022, the Supreme Court issued a final judgment upholding the invalidation based on Manolo Blahnik's name rights five months later.

Aside from the immediate benefits to the Manolo Blahnik brand and the eponymous designer himself, the case could mark a turning point in trademark enforcement and accountability in mainland China, setting the stage for other brands facing similar IP piracy to reclaim their brand and shut out copycats once and for all. This has long been a problem for global luxury brands eager to expand into the China market in recent years, putting them at a disadvantage against entrenched copycats or trademark squatters.

According to Julie Zerbo, founder and editor-in-chief of [The Fashion Law](#), the ruling is "neatly in line with what we're seeing coming from the Chinese trademark office and various levels of courts in China" and indicates that China could be "waking up to bad faith trademark filing practices and giving brands a chance to claim their trademarks in this market, marks that they've been using in many cases very famously for years outside of the Chinese market."

Yet beyond this, it could indicate that China simply sees the long-term business benefit of more strictly enforcing brand trademarks.

"The impetus behind these decisions is multi-sided, but I think one of them is certainly wanting to draw brands into the market and build trust among brands that their marks will be protected in the market," Ms. Zerbo said.

These benefits both to brands and consumers are echoed by Kristina Blahnik, who said, "We think the outcome in this matter is a strong precedent that should give global luxury brands confidence that their IP rights will be respected in the Chinese market. This, in turn, will allow more luxury brands to meet the demand of ever more discerning Chinese consumers."

Ms. Blahnik added that there are multiple lessons that luxury brands can learn from Manolo Blahnik's extended dispute in China, primarily the importance of filing as soon as possible to protect one's core brand and IP in the market and the importance of putting forward the best possible evidence showing brand reputation and heritage.

"We spent a lot of time and effort collating as much evidence as possible so that the Supreme Court could see the strength and international renown of Manolo Blahnik," Ms. Blahnik said.

Finally, according to her, the long court battle made the company keenly aware of the importance of involving experienced advisers with a genuine understanding of the Chinese market and regulatory and judicial systems.

Claiming complete control of its trademark in mainland China marks a significant milestone for Manolo Blahnik, paving the way for the designer to finally expand in the market.

Moving forward, Ms. Blahnik said, "We are starting to explore our options and excited about reaching out to a new customer base there as soon as possible.

"We will take time to explore all channels and ecosystems, from digital to brick and mortar and everything in between," she said. "Watch this space."

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