

APPAREL AND ACCESSORIES

Jury rules in favor of Thom Browne in Adidas infringement case

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Stripes are integral to Thom Browne's prep aesthetic, just as they are to the athletic company. Image credit: Thom Browne

By LUXURY DAILY NEWS SERVICE

U.S. fashion label Thom Browne has triumphed over Adidas in court after an eight-day trial.

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A Manhattan jury of eight has found that Thom Browne is not subject to trademark infringement stipulations, as the athletics company has claimed. They ruled that the company is free to use its signature four-bar stripes, ruling contra Adidas.

"We are pleased that the jury found that at no time did Thom Browne, Inc. infringe on any of Adidas's trademarks," said a spokesperson for **Thom Browne**, in a statement.

"For over 20 years now, Thom Browne has been a pioneering force in luxury fashion, bringing a wholly unique and distinctive design aesthetic that combines classic tailoring with American sportswear sensibilities," the brand representative said. "We look forward to continuing to design and provide the creative products that have become the hallmark of the Thom Browne label."

Bars and stripes

Less than three hours after closing arguments concluded on Thursday, Jan. 12, the jury brought forward its verdict in favor of Mr. Browne's brand.

As a result, Thom Browne cannot be found liable for lost profits or damages to Adidas via the sale of products containing four stripes. The fashion label is also allowed to go forward with selling items featuring its signature grosgrain ribbon.

Due to their long co-existence and the fact that Adidas showed no evidence of harm, Thom Browne is not asking for damages.



Thom Browne sat in court through the proceedings, with other members of the company joining throughout the eight days. Image credit: Thom Browne

"Adidas does not own stripes," said brand council Robert T. Maldonado of Wolf, Greenfield & Sacks, in a closing argument for the case.

"[Thom Browne is] recognized as a game-changer and an icon in the fashion industry," Mr. Maldonado said. "The notion of Thom Browne wanting to trade on the reputation of Adidas offends him.

"He is not Adidas."

Mr. Maldonado argued that Thom Browne had always made use of stripes, using the motif as an homage to college varsity sweaters. The attorney claimed that it was not until 2007 that Mr. Browne saw the three stripes from Adidas, after being approached by the brand.

Once becoming clear on the fact that Adidas utilized a three-striped logo, the brand agreed to change its signature mark to four stripes.

"(Thom Browne) never considered Adidas," Mr. Maldonado said.

Judge Jed Rakoff heard the case in Manhattan, within New York's Southern District Court. The jury was to decide if Thom Browne was guilty of infringement, hearing arguments from both companies spanning over eight days.

Adidas AG and Adidas America have been calling for Thom Browne to pay the company \$867,225 in damages, based on the amount the parties claim Thom Browne should have paid Adidas in licensing fees. The brand had also been seeking \$7,011,961 to account for the profits it claims Thom Browne made from items containing stripes.

Mr. Maldonado argued that claims made by Adidas were unclear and muddled, outlining the versatility of stripes and bars in his effort. Witnesses were called to testify, discussing the many ways stripes could be defined in the fashion world.

"There is a complete lack of clarification [from Adidas]," Mr. Maldonado said.



Adidas' liberal use of stripes, outside of its own trademark stipulations, was used against the company in court. Image credit: Balenciaga

He also pointed to the fact that Adidas uses the stripes in ways that violate the trademark rules that the company's own branding guidelines specify. According to Adidas' documents, the stripes can be tilted 20 degrees and only used vertically those are the only variations that can be used.

Among additional arguments from Thom Browne was the fact that, due to the luxury price point of Thom Browne

items, no consumer would accidentally mistake the clothes for Adidas products.

Adidas representation countered with claims of standing confusion from consumers, citing a Hal Poret survey which found that of 2,400 people, 26.9 percent mistook a four-stripped sports item from Thom Browne for Adidas.

This is not the first legal run-in that Adidas has faced for its trademark, meeting Reebok in court in 2018 ([see story](#)).

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