



SUCCESSING IN FASHION LAW TAKING IT TO THE RUNWAY



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ALT LEGAL
COMMUNITY

PATENT

TRADEMARK

COPYRIGHT

**INTELLECTUAL
PROPERTY**



D580,120	S *	11/2008	Kreder	D2/742
D600,883	S *	9/2009	Blumenfeld	D2/742
D606,284	S *	12/2009	Caten et al.	D2/742
D609,881	S *	2/2010	Chen et al.	D2/742
D612,129	S *	3/2010	Iamartino et al.	D2/742
D612,581	S *	3/2010	Ramirez	D2/742
2009/0293167	A1 *	12/2009	Kottler	2/23

OTHER PUBLICATIONS

Kosher Casual. http://www.koshercasual.com/baggy-cropped-pants-yoga-exercise31319-p-152.html?osCsid=67i5o5_igmqu2

FIG. 5 is a front view of pants according to a second embodiment of the design;

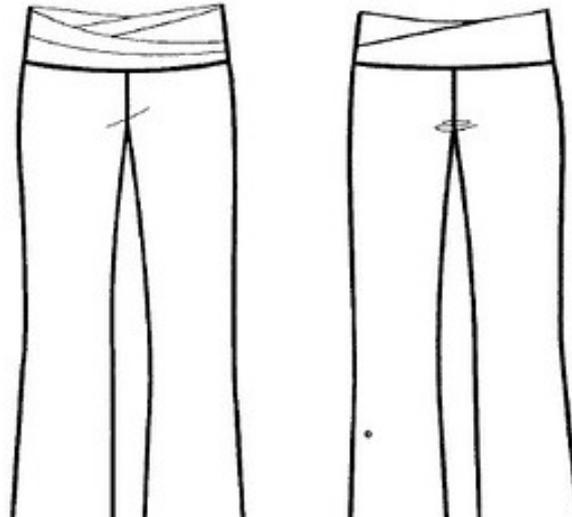
FIG. 6 is a rear view thereof;

FIG. 7 is a left side view thereof; and,

FIG. 8 is a right side view thereof.

The symbol depicted in FIGS. 2-3 forming part of the claimed design is a registered trademark of Lululemon Athletica Canada Inc.

1 Claim, 8 Drawing Sheets



DESIGN PATENT

TRADEMARK

In the fashion arena, a trademark is a logo, a word or both that identifies the source of goods or services.

For Example, when consumers hear the brand name Coco Chanel or see the interlocked C's, they immediately identify the products associated with the symbol as Chanel luxury products.





14S A58800Y06830
FLAPBAG
94305
BLACK
NSZ

CHANEL



CARTE D'AUTHENTICITÉ

Nous certifions l'authenticité de cet article soumis
aux contrôles les plus rigoureux, et dont la haute
qualité symbolise le renom de notre Marque.

CHANEL

\$ 4900



U.S. CASE STUDY: TRADEMARKS

Christian Louboutin S.A. v. Yves Saint Laurent Am. Holding, Inc., 696 F.3d 206 (2d Cir. 2012)

Second Circuit Holding:

- The court concluded that by placing the color red in a context that seems unusual, and deliberately tying that color to the product, Louboutin was worthy of trademark protection, but YSL'S monochromatic shoe did NOT infringe on Louboutin's Mark and YSL could continue to sell its monochromatic red sole shoes.



EU CASE STUDY: TRADEMARKS

**C-163/16 Christian Louboutin, Christian Louboutin SAS
v. Van Haren Schoenen BV**



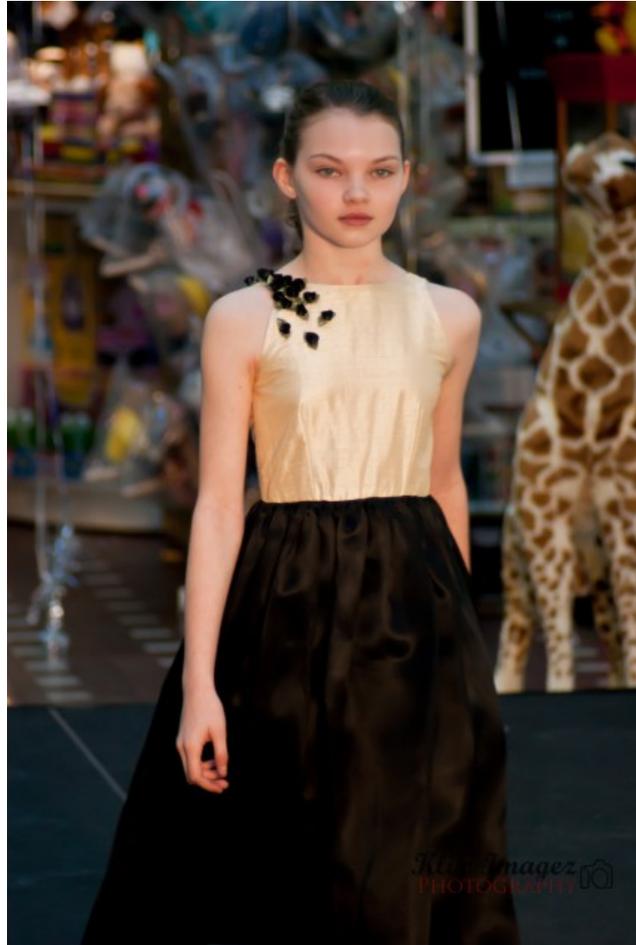
Article 3(1)(e)(iii) Directive 2008/95 (Article 7(1)(e)(iii) of Regulation 2017/1001):

signs which consist exclusively of the **shape which gives substantial value to the goods**
shall not be registered

Is the notion of “shape” limited to the three-dimensional properties of the goods, such as their contours, measurements and volume (expressed three-dimensionally), or does it include other (non-three-dimensional) properties of the goods, such as their colour?

...while it is true that the shape of the product or of a part of the product plays a role in creating an outline for the colour, it cannot, however, be held that a sign consists of that shape in the case where **the registration of the mark did not seek to protect that shape but sought solely to protect the application of a colour to a specific part of that product.**

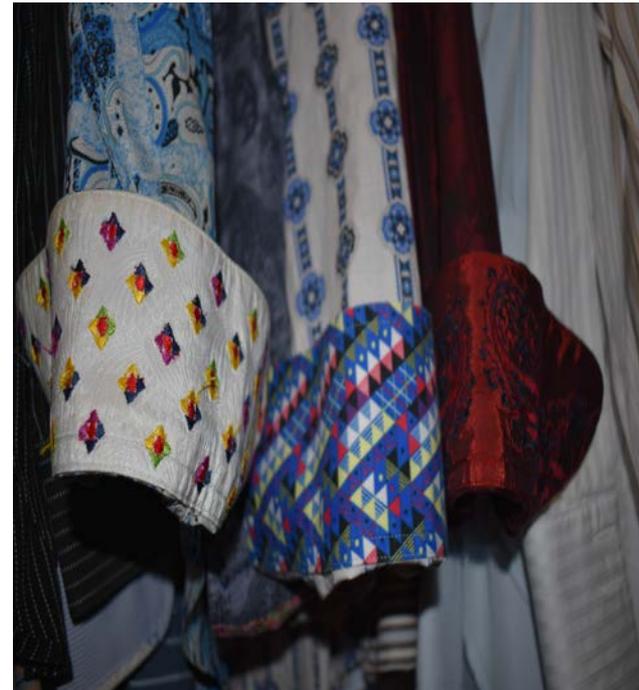
U.S. NO COPYRIGHT PROTECTION DESIGN OF DRESS



U.S. COPYRIGHT ACT

17 U.S.C. § § 101-1332. Copyright Act of 1976.

- Copyright protection for certain elements of useful articles can be obtained under the Copyright Act.
- Examples of items that can be protected by a copyright
 - Jewelry
 - Fabric prints, jacquard weave, lace patterns
 - 2 and 3 Dimensional Designs example Applied Art



PROTECTED CLOTHING DESIGNS

Protectable designs of clothing include:

- Halloween costume
- Multi-colored striped sweater with puffy leaf appliques
- Sweater that has a squirrel and leaves appliqued onto its multi-paneled front
- Design of a rose repeated in horizontal rows on the surface of fabric
- Variety of graphic designs placed on clothing or fabric



EU DESIGN PROTECTION

Council Regulation (EC) No 6/2002 on Community designs

Registered - Unregistered Community design

Design - appearance of the whole or a part of a product resulting from the features of, in particular, the lines, contours, colours, shape, texture and/or materials of the product itself and/or its ornamentation

Product - any industrial or handicraft item, including inter alia parts intended to be assembled into a complex product, packaging, get-up, graphic symbols and typographic typefaces, but excluding computer programs



EU DESIGN PROTECTION

C-345/13, Karen Millen Fashions Ltd v. Dunnes Stores, Dunnes Stores (Limerick) Ltd.



BRAND LICENSING



CONTRACTS



FASHION MODELS



SUCCESSING IN FASHION LAW

