



HANKEN



PRODUCT IPR ANALYSIS by Erika Heikkinen

LV ARCHLIGHT TRAINER BY LOUIS VUITTON in white with the classic Monogram canvas








LOUIS VUITTON

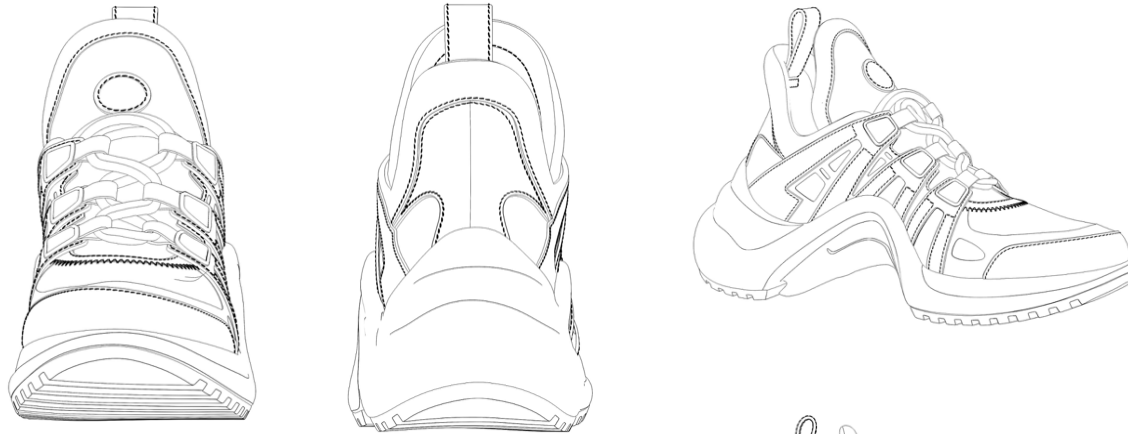
Price in Finland: 815 €

INDUSTRY VALUE CHAIN OF LOUIS VUITTON

specifically with LV Archlight Trainer

FIRST STAGE: Conception and design	SECOND STAGE: Sourcing	THIRD STAGE: Production	FOURTH STAGE: Distribution and retail	FIFTH STAGE: Communication
<ul style="list-style-type: none"> • Style and design • Image and identity • Research and development • Fashion designer 	<ul style="list-style-type: none"> • Materials procured from the producers • Usually high quality raw materials • Lack of transparency 	<ul style="list-style-type: none"> • Workshops and ateliers • <i>Savoir-faire</i> • Made in Italy • Lack of transparency 	<ul style="list-style-type: none"> • Final products delivered to stores • Green supply chain • Retail experience and customer service 	<ul style="list-style-type: none"> • Advertising and display of products to public, fashion shows • Celebrity and influencer marketing
<ul style="list-style-type: none"> • COPYRIGHT: sketches and drawings of the product created by the fashion designer 	<ul style="list-style-type: none"> • TRADEMARKS: Monogram canvas, logos and symbols • TRADE SECRETS? 	<ul style="list-style-type: none"> • COPYRIGHT: illustrations and images for manufacturing • TRADE SECRETS? 	<ul style="list-style-type: none"> • DESIGN RIGHT: final product • COPYRIGHT: photos and videos for retail purposes 	<ul style="list-style-type: none"> • COPYRIGHT: photos and videos of the final product for marketing purposes
				
<p>Nicolas Ghesquière</p>	<p>Monogram canvas</p>	<p>Manufacture De Souliers, Italy</p>	<p>Store in Sydney, Australia</p>	<p>Model Bella Hadid © Hanken</p>

LV ARCHLIGHT TRAINER: DESIGN RIGHT



Registered Community Design **Design number: 004678233-0001**

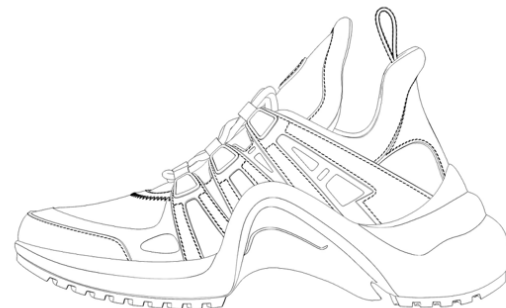
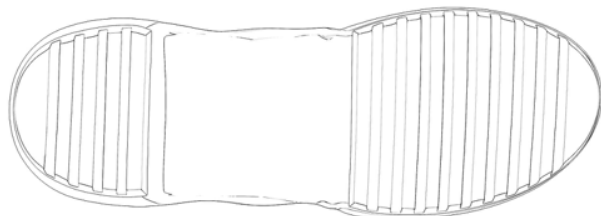
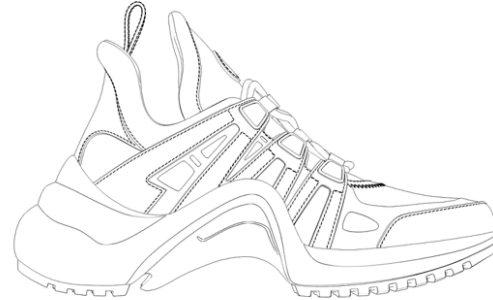
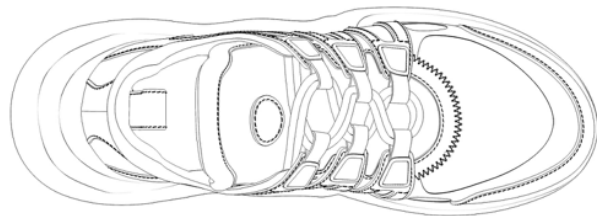
Locarno class 02.04 (shoes)
Registration date: 24.01.2018
Expiry date: 24.01.2023

French Design **Design number: 20175760**

Locarno class 02.04 (shoes)
Registration date: 15.12.2017
Expiry date: 15.12.2027

US Design Patent **Design number: D381,938**

Locarno class 02.04 (shoes)
Registration date: 30.10.2018
Expiry date: 30.10.2033



LV ARCHLIGHT TRAINER: COPYRIGHT



Depending on the country:

France: Copyright protection granted

Intellectual Property Code - Article L112-2: The following, in particular, shall be considered works of the mind within the meaning of this Code:

14°. creations of the seasonal industries of dress and articles of fashion. Industries which, by reason of the demands of fashion, frequently renew the form of their products, particularly the making of [...] the products of manufacturers of articles of fashion and of footwear [...] shall be deemed to be seasonal industries.

EU: CJEU decision *Brompton Bicycle C-833/18*

Works with a functional shape can be protected by copyright if such works fulfill the threshold of originality.

US: Not clear whether copyright protection is granted

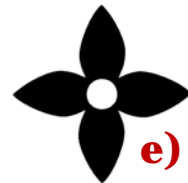
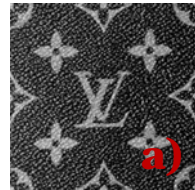
Separability test for utilitarian goods – no copyright protection for goods with practical utility.

There has been several legislative attempts to provide sui generis protection for fashion designs – no success.

Landmark case *Star Athletica, L.L.C. v. Varsity Brands, Inc.* enabled copyright protection for certain elements of a fashion design.

Copyright registry, different Monogram prints have been registered.

LV ARCHLIGHT TRAINER: TRADEMARKS



1. Monogram canvas and its symbols

- a) EUTM number: 000015602 (Nice class 25 - clothing)
- b) EUTM number: 009844391 (Nice class 25 - clothing)
- c) EUTM number: 000015628 (Nice class 25 - clothing)
- d) EUTM number: 000310151 (Nice class 25 - clothing)
- e) EUTM number: 000311985 (Nice class 25 - clothing)
- f) EUTM number: 003958444 (Nice class 25 - clothing)

2. Louis Vuitton round logo

EUTM number: 0133692336 (Nice class 25 - clothing)

US: trade dress

Subset of trademark law that can provide protection for fashion designs in the US.

Trade dress protection refers to a product's packaging or overall image - the design and appearance of the product.

Proof that the trade dress is inherently distinctive or has acquired secondary meaning.

Therefore, not the most effective or definite way to protect the design.

LV ARCHLIGHT TRAINER: UTILITY PATENT



Louis Vuitton does not own any utility patents relating to LV Archlight Trainer.

The double lace might have been eligible for a utility patent registration.

Could someone else own the utility patents?

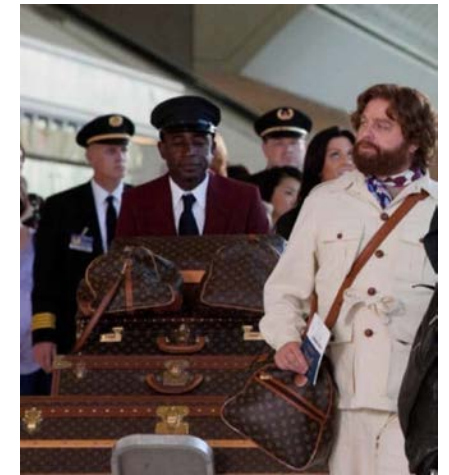
INTELLECTUAL PROPERTY STRATEGY OF LOUIS VUITTON

- Over 18 000 intellectual property rights
- 250 agents working at the Intellectual Property Department
- Overlapping intellectual property rights
- Hardly ever licenses, sells or donates intellectual property rights (exception to licensing: Thélios eyewear)
- Collaborations with other designers, artists and brands (for example: Supreme)
- Zero tolerance policy to counterfeiting, “sword”

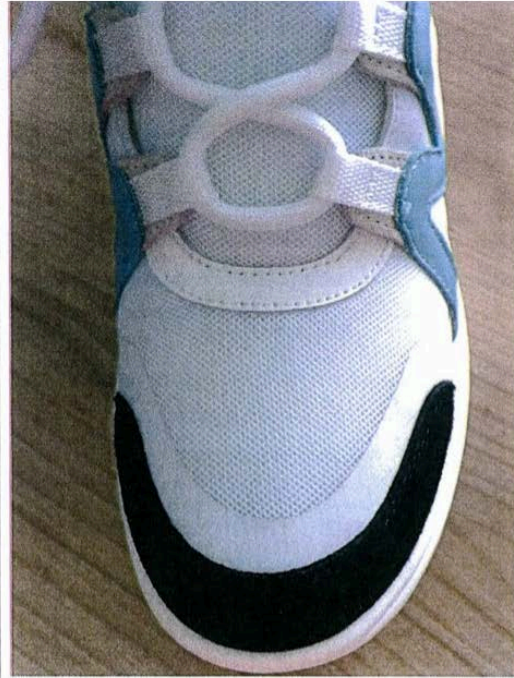
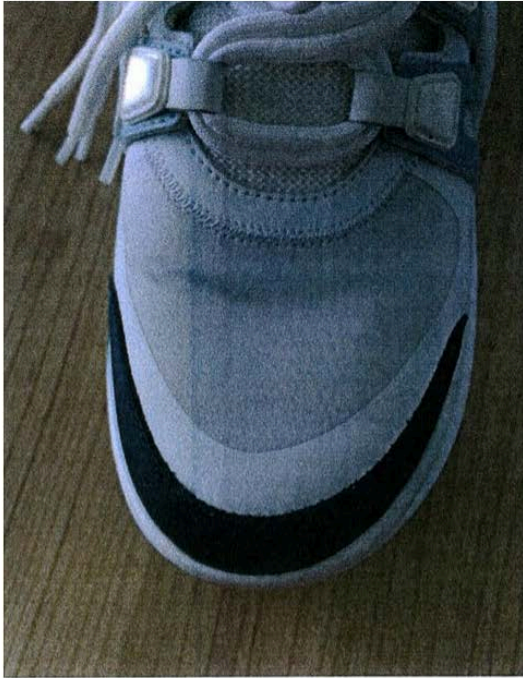


LOUIS VUITTON'S FIGHT AGAINST COUNTERFEITING AND DILUTION

- Counterfeit goods and brand dilution are particularly a fashion and luxury industry specific issues
- Louis Vuitton's hard line approach: counterfeiting is the ultimate violation of creativity
- In 2017, Louis Vuitton initiated more than 38 000 anti-counterfeiting procedures worldwide
- "Trademark bully"
- Interesting case law:
 - Canada: *Louis Vuitton Malletier S.A. v. Singga Enterprises (Canada) Inc.* (2011)
 - US: *Louis Vuitton Malletier S.A. v. Haute Diggity Dog, LLC* (2007)
 - US: *Louis Vuitton Malletier, S.A. v. My Other Bag, Inc.* (2016)
 - US: *Louis Vuitton Malletier, S.A. v. Hyundai Motor America* (2012)
 - US: *Louis Vuitton Malletier S.A. v. Warner Brothers Entertainment Inc.* (2012)



LV ARCHLIGHT TRAINER COUNTERFEIT CASE



REAL

FAKE

South China Morning Post

Louis Vuitton sues two subsidiaries of Chinese shoe giant Belle International for copyright infringement

- The French luxury fashion retailer accuses Belle International (China) and Best Able Footwear of copying its LV Archlight trainers

Article published 3 May 2019 in South China Morning Post.

Case has not been decided yet by the High Court of Hong Kong.

<https://www.scmp.com/news/hong-kong/hong-kong-economy/article/3008764/louis-vuitton-sues-two-subsiidiaries-chinese-shoe>

PHOTOS:

Slide 2:

<https://en.louisvuitton.com/eng-nl/products/lv-archlight-trainer-nvprod810023v>

Slide 3:

<https://www.nytimes.com/interactive/projects/cp/inside-fashion-week/spring-2016/nicolas-ghesquiere>

<https://en.louisvuitton.com/eng-nl/products/neverfull-mm-monogram-007653>

<https://www.savoirflair.com/fashion/8435/inside-the-louis-vuitton-workshop>

<https://en.louisvuitton.com/eng-nl/products/lv-archlight-trainer-nvprod810023v>

<https://eu.louisvuitton.com/eng-e1/point-of-sale/australia/louis-vuitton-sydney-bondi-junction>

<https://footwearnews.com/2019/fashion/celebrity-style/bella-hadid-no-pants-legs-louis-vuitton-archlight-1202728351/>

Slide 4:

<https://euipo.europa.eu/eSearch/#details/designs/004678233-0001>

Slide 5 and 7:

<https://en.louisvuitton.com/eng-nl/products/lv-archlight-trainer-nvprod810023v>

Slide 6:

<https://en.louisvuitton.com/eng-nl/products/lv-archlight-trainer-nvprod810023v>

<https://euipo.europa.eu/eSearch/#details/trademarks/000015602>

<https://euipo.europa.eu/eSearch/#details/trademarks/009844391>

<https://euipo.europa.eu/eSearch/#details/trademarks/000015628>

<https://euipo.europa.eu/eSearch/#details/trademarks/000310151>

<https://euipo.europa.eu/eSearch/#details/trademarks/000311985>

<https://euipo.europa.eu/eSearch/#details/trademarks/003958444>

<https://euipo.europa.eu/eSearch/#details/trademarks/013369236>

Slide 8:

<https://en.louisvuitton.com/eng-nl/homepage?dispatchCountry=FI>

<https://www.supremenewyork.com>

<https://www.thelios.com>

Slide 9:

http://www.nbcnews.com/id/21793188/ns/business-us_business/t/louis-vuitton-loses-chewy-vuiton-appeal/#.X3S2CC86q8o

<https://www.thefashionlaw.com/my-other-bags-seeks-400k-in-legal-fees-in-louis-vuitton-case/>

<https://www.cbsnews.com/news/louis-vuittons-suit-against-hyundai-super-bowl-ad-is-so-ridiculous-it-may-just-win/>



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