

LUXURY INDUSTRY PERSPECTIVE

How to Protect Designs – Current Developments and Tendencies



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Legal at CHANEL

Key challenges



- A. **Registering collections;**
- B. **Novelty and confidentiality.**



A. REGISTERING COLLECTIONS

Key considerations:

- Multiple designs in one application:
- Time & costs management.



REGISTERING COLLECTIONS

- **How to convert a collection into an effective protection?**
 - Identifying the elements to protect.
 - Anticipating on future developments.
 - By which means of protection?
- **Requirements and mechanism of protection varies from country to country:**
 - Can a general registration protect all the variations?
 - Possibility to file several versions/designs in one application?
 - advantage of the Hague and multiple design registration system;
 - **Result: real impact on our enforcement activities.**





REGISTERING COLLECTIONS

CODE COCO WATCH



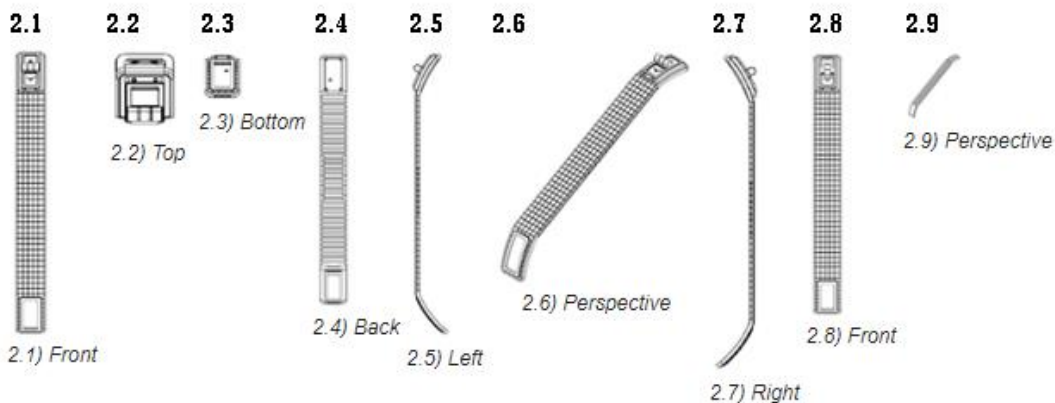
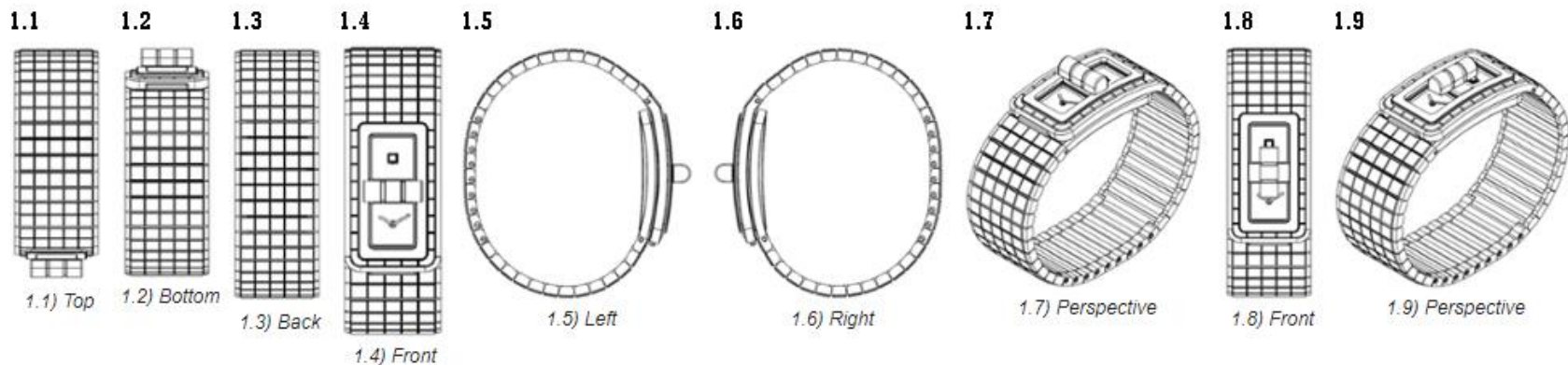
CODE COCO WATCH





REGISTERING COLLECTIONS

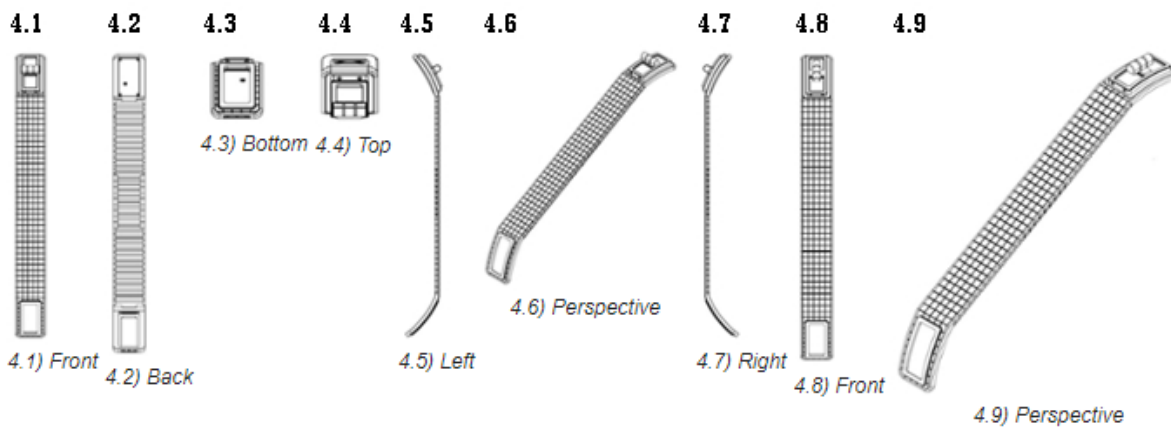
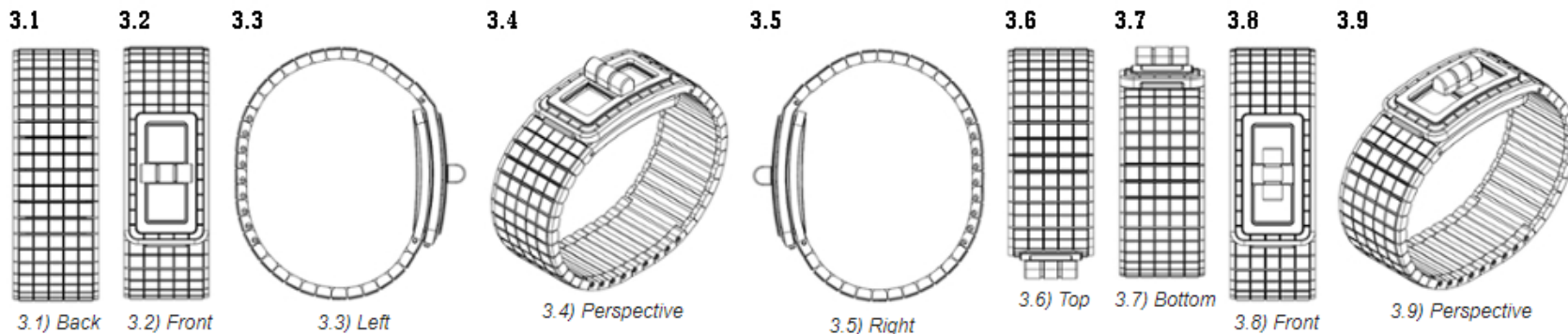
The Code Coco watch





REGISTERING COLLECTIONS

The Code Coco watch





REGISTERING COLLECTIONS

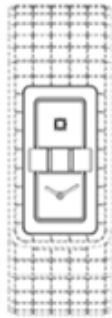
The Code Coco watch

9.1



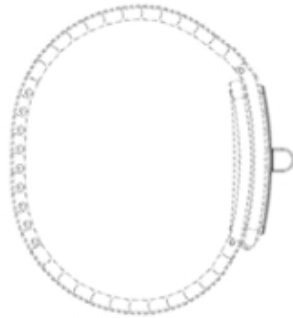
9.1) Back

9.2



9.2) Front

9.3



9.3) Left

9.4



9.4) Perspective

9.5



9.5) Right

9.6



9.6) Top

9.7



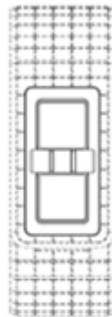
9.7) Bottom

10.1



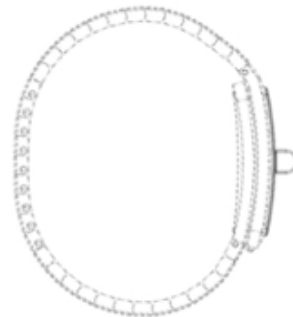
10.1) Back

10.2



10.2) Front

10.3



10.3) Left

10.4



10.4) Perspective

10.5



10.5) Right

10.6



10.6) Top

10.7



10.7) Bottom



REGISTERING COLLECTIONS

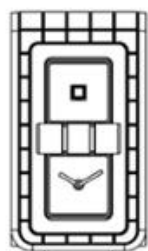
The Code Coco watch

5.1



5.1) Back

5.2



5.2) Front

5.3



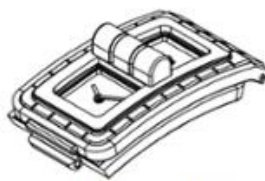
5.3) Left

5.4



5.4) Right

5.5



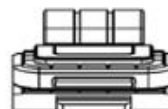
5.5) Perspective

5.6



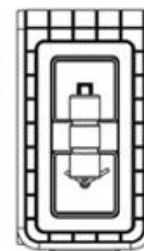
5.6) Top

5.7



5.7) Bottom

5.8



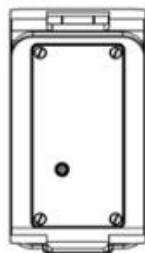
5.8) Front

5.9



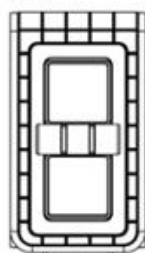
5.9) Perspective

6.1



6.1) Back

6.2



6.2) Front

6.3



6.3) Left

6.4



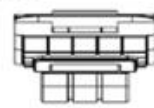
6.4) Perspective

6.5



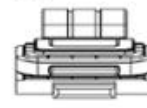
6.5) Right

6.6



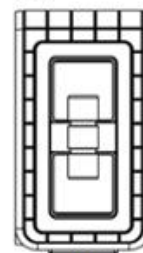
6.6) Top

6.7



6.7) Bottom

6.8



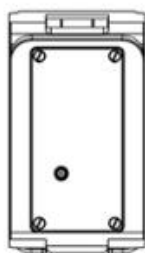
6.8) Front

6.9



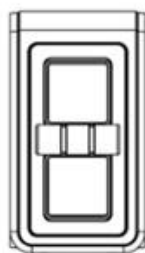
6.9) Perspective

7.1



7.1) Back

7.2



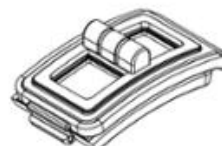
7.2) Front

7.3



7.3) Left

7.4



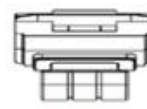
7.4) Perspective

7.5



7.5) Right

7.6



7.6) Top

7.7



7.7) Bottom

7.8



7.8) Front

7.9



7.9) Perspective



REGISTERING COLLECTIONS

The Code Coco watch

11.1



11.1) Front

11.2



11.2) Right

11.3



11.3) Top

11.4



11.4) Bottom

11.5



11.5) Left

11.6



11.6) Back

11.7



11.7) Perspective

11.8



11.8) Front

11.9



11.9) Perspective



REGISTERING COLLECTIONS

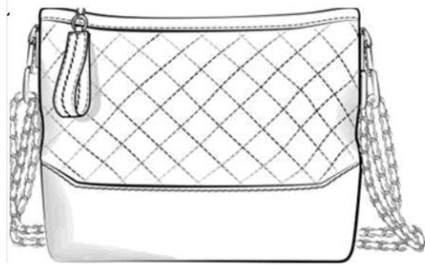
The Chanel's Gabrielle Bag





REGISTERING COLLECTIONS

Chanel's Gabrielle bag



4.1



4.1) Front

4.2



4.2) Back

4.3



4.3) Left

4.4



4.4) Right

4.5



4.5) Unfolded

4.6



4.6) Top

4.7



4.7) Bottom

4.8



4.8) Perspective

5.1



5.1) Front

5.2



5.2) Back

5.3



5.3) Left

5.4



5.4) Right

5.5



5.5) Top

5.6



5.6) Bottom

5.7



5.7) Unfolded

5.8



5.8) Perspective



REGISTERING COLLECTIONS

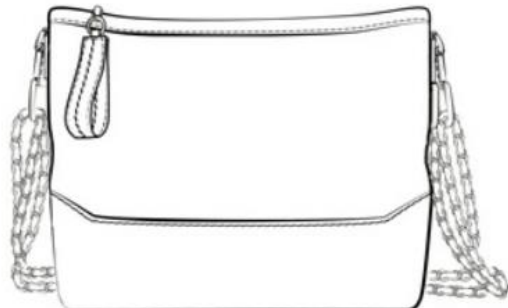
Chanel's Gabrielle bag

3.3



3.3) Front

3.4



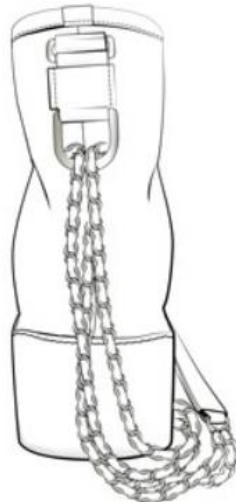
3.4) Front

3.5



3.5) Back

3.6



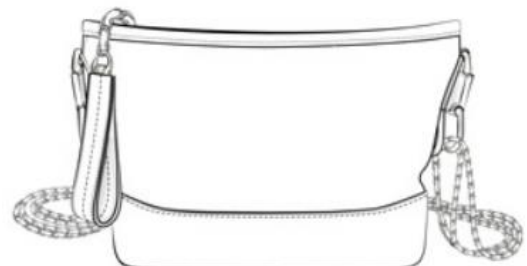
3.6) Right

5.4



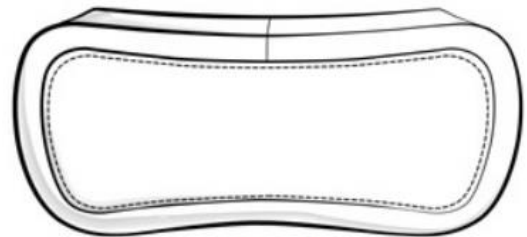
5.4) Perspective

5.5



5.5) Front

5.6



5.6) Bottom



REGISTERING COLLECTIONS

Chanel's Gabrielle bag

1.1



1.1) Perspective

1.2



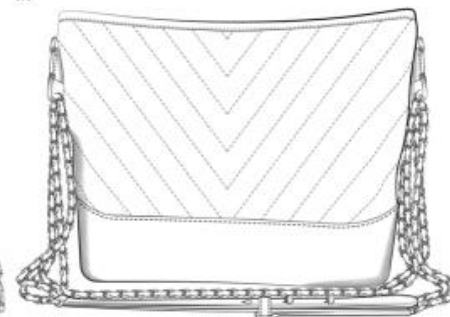
1.2) Front

1.3



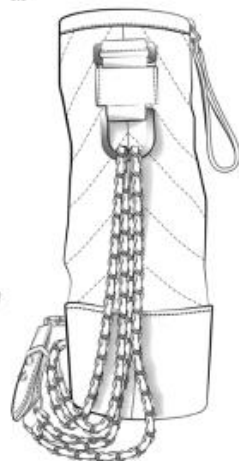
1.3) Front with hanging strap

1.4



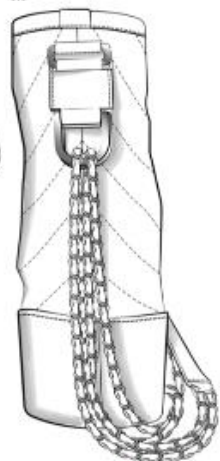
1.4) Back

1.5



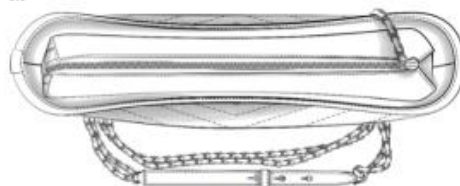
1.5) Right

1.6



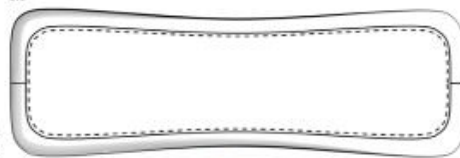
1.6) Left

1.7



1.7) Top

1.8



1.8) Bottom

II



II) Front



REGISTERING COLLECTIONS

- **This diversity of registrations for the design of one product is difficult to achieve in the context of a national registration and weights heavily on the budget of the company.**
- **Generally, we protect the key styles/products – we cannot cover every variation of current and future fashion collections.**
- **It is also a significant advantage of the Hague system which allows to include variations within one registration.**



B. Novelty and confidentiality

- The novelty requirement is essential to achieve a design registration in most countries.
- Thus, instruments « saving » the novelty requirement are of paramount importance.
 - The « grace period » (usually set from 6 to 12 months) allows the design holder to file for registration even following a disclosure, while considering the novelty requirement as fulfilled.



Novelty and confidentiality



- ***The possibility of « deferment of publication » allows to delay the publication of the design, which grants an additional period of confidentiality to the rightholder to develop his products, while being sure the design is protected and will not risk losing **priority**.***



How to best protect our designs?



- A. **Designs;**
- B. **3D TMs;**
- C. **Copyright, unfair competition.**

A. Designs

- **What are we looking for:**

- International or régional protection solutions (as Hague);
- Multiple designs;
- Grace Period;
- Deferment of publication;
- Costs and time management.

- **What issues we encounter:**

- Novelty; anticipation;
- Limited timeframe of protection;
- Local Offices formalities (POA, Priority doc, Assignment document....)
- Costs of national filings often a deterrent for Chanel to protect in a specific country;



B. 3D Trademarks

- **What are we looking for:**
 - Renewable / indefinite.
 - Easier to enforce in some jurisdictions.
- **What issues we encounter:**
 - Limited views; one variation of the product only.
 - Challenging to obtain registration in some countries; Distinctiveness.
 - Acquisition of distinctiveness through extensive use; fame.



C. Copyright, unfair competition parasitism.

- **What are we looking for:**
 - Efficient alternative tools where we do not have Designs or TMs rights;
- **What issues we encounter:**
 - Country per country specific laws;
 - Counterfeiters aren't competitors.



WHAT WE SEE - INFRINGEMENT TRENDS

GENUINE PRODUCT



INFRINGEMENT/COUNTERFEIT



THANK YOU!

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