

NJORD's IP team achieved trademark registration for a DIOR perfume bottle – an exception to the rule

Our IP team succeeded in obtaining the most challenging trademark, namely the registration of a DIOR perfume bottle as a trademark. This is correct – not the name, not the logo, but simply the shape of the bottle

In 2015, both the Swedish and the Danish Trademark Offices decided that Christian Dior's J'ADORE perfume bottle could not be regarded as encompassing sufficient distinctive character or as having acquired distinctiveness, which is required for trademark registrations.

However, the IP team at NJORD Law Firm, in this case consisting of Partner Jeppe Brogaard Clausen, European Trade Mark & Design Attorney Ida Løndal, and Assistant Attorney Emelie Svensson, managed to overturn the decisions in the proceedings before the Danish and Swedish Trademark Offices (International registration no. 1221382).

Highest threshold and exceptional circumstances

The threshold for registering a perfume bottle is the highest in comparison with all types of trademarks. It can be registered either as being inherently distinctive or as having acquired distinctiveness due to its reputation on the market.

For a perfume bottle to be considered inherently distinctive, it must encompass distinctive characteristics and it must deviate significantly from the common shape on the market. The Scandinavian Trademark Offices generally regard perfume bottles as being distinctive as well as exclusive in themselves and therefore call for a higher threshold for a bottle to be considered distinctive.

Consequently, perfume bottles are only granted trademark registration under exceptional circumstances.

A victory for the protection of IP across Scandinavia

Instead of a trademark registration, DIOR could have opted for a design registration that lasts a maximum of 25 years for their J'ADORE bottle. A trademark registration, on the other hand, is a more attractive option since it can be *infinitely renewed*.

Christian Dior's legal team at NJORD Law Firm decided not to settle and instead successfully managed to acquire trademark protection for the J'ADORE bottle. Thus, this DIOR perfume bottle now has timeless trademark protection as long as the protection is renewed every 10 years.

We congratulate Christian Dior on achieving the highest possible protection for their J'ADORE perfume bottle. It is a real victory for the protection of intellectual property and the combat against counterfeits across Scandinavia.



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