

Dior perfume bottle successfully registered in Sweden

NJORD's Swedish IP team has successfully obtained the most challenging trademark, namely the registration of a perfume bottle, ensuring the design of Christian Dior's J'ADORE perfume bottle timeless trademark protection.

The Swedish Patent and Registration Office is known for being unusually strict when granting trademark registrations, and only under exceptional circumstances can for example the shape of a bottle be registered as a trademark. It is a fact that famous bottles, which have obtained trademark protection at EU and US level, seldom acquire the same result in Sweden.

In 2015, the Swedish Patent and Registration Office decided that Christian Dior's J'ADORE perfume bottle lacked distinctive character and had not acquired distinctiveness. In order to register a trademark, one of the two factors must be fulfilled.

Recently, however, Partner Jeppe Brogaard Clausen and Assistant Attorney Emelie Svensson from NJORD managed to overturn the decision, obtaining trademark registration of Dior's J'ADORE bottle (international registration no.1221382):

'We are very pleased to have successfully proved inherent distinctiveness for the J'ADORE bottle and providing it with true value, thus adding invaluable intellectual property to Christian Dior's IP portfolio', says Jeppe Brogaard Clausen from NJORD's office in Copenhagen.

Challenging to prove 'inherent distinctiveness'

Registering a perfume bottle requires overcoming the highest threshold of the different types of trademark registrations. A bottle can be registered either as being inherently distinctive or as having acquired distinctiveness due to its reputation on the market.

The reputation of Christian Dior's famous brand could facilitate the registration of the perfume bottle by establishing acquired distinctiveness. However, to establish the true value of the bottle and ensure timeless trademark protection, NJORD's IP team aimed to prove that the bottle itself is inherently distinctive.

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.

Generally, trademark offices 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. Proving that a perfume bottle is inherently distinctive is therefore a complex matter, and trademark registration is only granted under exceptional circumstances.

A design registration for the shape of a bottle lasts a maximum of 25 years, but with a trademark registration, Christian Dior's J'ADORE perfume bottle now has timeless trademark protection – as long as the protection is renewed every 10 years.



JEPPE BROGAARD CLAUSEN
ATTORNEY AT LAW,
PARTNER

(+45) 77 40 11 22
JBC@NJORDLAW.COM



EMELIE SVENSSON
ATTORNEY AT LAW,
PARTNER

(+45) 77 40 10 38
ESV@NJORDLAW.COM