Gucci v. Guess

Four Jurisdictions, Four Decisions: The U.S. Case Presentation

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2009 - Epic Legal Battle Begins

Gucci filed a lawsuit in New York Federal Court
(along with those filed in Italy, France, and China)

- Alleged Guess had infringed four of its trademarks and one trade dress
- Alleged Guess was trying to “Gucci-fy” its product
- Sought $124 MM in damages

This case involves five Gucci designs (Gucci designs shown on the left)

- 2. The Repeating Interlocking GG Pattern
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- 3. The Diamond Motif Trade Dress


- 4. The Stylized G Design mark (“Stylized G”)

- 5. The Script Gucci Design mark (“Script Gucci”)

2012: US Decision

Trademarks Infringed, Trade Dress Not

Permanent Injunction, But Limited Damages

- US$4.66 million--profit Guess made from using two Gucci trademarks; damages speculative
- Permanent injunction against Guess' use of three of the four challenged designs

Cancellation of Guess' "4G Square Repeating Logo"

- Guess never used the Quattro G Patten in a square orientation
- Only use was on a diamond orientation (like Gucci)

Not Counterfeit

- The Lanham Act defines a counterfeit as a “spurious mark which is identical with, or substantially indistinguishable from a registered mark.”

- In order to be considered a counterfeit, the entire product should be copied stitch-for-stitch

Effect of US Decision

- The U.S decision has contributed to the creation of stronger limitations on the use of patterns that could be considered similar to another brand's in the fashion industry.
- Burden of proof of reasonable royalty and/or actual damages in the form of lost sales or harm to brand value is very difficult to meet—speculative estimates will be dismissed and only defendant's profits will be returned.

Takeaways

- Guess' CEO, Paul Marciano, expressed the following:

  "The results in this case show that Gucci grossly overreached in its claims and the entire case could have been avoided with a single letter or phone call."

- Really? Was Gucci overreaching in its claims, considering the different results in Italy, France, and China?

THANK YOU!

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