

Christian Louboutin Wins Partial Red Shoe Trademark Victory

By: Sheldon Mak & Anderson

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The Second Circuit Court of Appeals has ruled that the distinctive red soles of Christian [Louboutin](#) shoes are entitled to [trademark protection](#). However, it limited the mark in such a way that the defendant did not infringe.

The lawsuit was filed to prevent rival French designer Yves Saint Laurent (YSL) from selling shoes that featured a monochrome red shoe with a red sole. After negotiations between the two designers failed, Louboutin filed a trademark infringement lawsuit.

The appellate court concluded that Louboutin's trademark, consisting of a red, lacquered outsole on a high fashion woman's shoe, has acquired limited "secondary meaning" as a distinctive symbol that identifies the Louboutin brand. The decision reverses a lower court ruling that a single color can never serve as a trademark in the fashion industry.

The court did, however, instruct the U.S. [Patent and Trademark](#) Office to limit the trademark to uses in which the red outsole contrasts with the color of the rest of the shoe. "It is the contrast between the sole and the upper that causes the sole to 'pop,' and to distinguish its creator," the [opinion states](#).

Under the modified trademark, YSL's shoes do not infringe. As a result, both designers walked away from this case with a victory.

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