



CAMMINO DIRITTO

Rivista di informazione giuridica



CHANEL AGAINST A CHOCOLATE MANUFACTURER

The French brand goes against an Australian chocolate manufacturer per using its most famous symbol.

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Dear readers,

It is with pleasure that I introduce you to the fashion law, a branch as unexplored in law as fascinating for its complexity and extent.

First of all, to understand what really is fashion law, we have to stop on the term it is based on: **Fashion**. Many people may think that fashion is just something glamour and frivolous, and it is true, since it is what we all see on the magazines worldwide, but is only the 1% of the business. The rest, is hard work and issues to resolve so that this machine works impeccably because every four months there are the shows for the several collections: autumn/winter, spring/summer, resort and prefall.

But what is really fashion? Other than it being “a behaviour model inflicted by individuals or groups or style creators” (*Sabatini Coletti*), I would rather define it, in its romantic artistic view, as in “the transformation in dress or suit of the dream/of the vision of a stylist”.

Another important concept useful to better understand this adventure is the difference between copyright and trademark that, even if in common language they are confused one another, they have opposite meaning in reality.

Copyright wants to protect the person that create a work, a graphic art, a musical play , for example: the receipt of the fabulous perfume “Chanel No.5” giving the person the exclusive for the reproduction of this product. The **trademark** instead wants to protect the logo, a distinctive sign of the brand, that obliges the competitors to not copy it but allow them to work in the same brand type. For instance the competitors may, rightfully, continue to create perfumes but they cannot have the package similar to the famous “No.5” and they cannot be named “Chanel No.5”.

So now we can proceed to the case that sees for what concern the trademark, *Chanel* against an Australian chocolate brand, the Chocolate @No.5.

All this began few weeks ago when *Allison Peck*, owner of the **chocolaterie** “Chocolate @No.5” from Adelaide (Australia), asked for the brand registration to the AIPO (Australian Intellectual Property Office).

Everything seemed to go well when, in the week that pass between the query for registration and the effective registration, Mrs Peck received from the French house a letter in which she was asked, and she did not comply she would be penalised with hard consequences, to remove from the registration of its brand the “No.5”, because it is trademark of Chanel and, more precisely, distinctive sign of the famous perfume “Chanel No.5”.

Furthermore, Mrs Peck, according to the French house requests, has obliged to erase the registration, change the logo and mostly, to not use the “No.5” for her branch.

Mrs Peck accepted the first two requests but not the third to which she says to the Sydney Morning Herald, that “No.5 is no ones property” and that her “No.5” logo is different from the glamorous Chanel “No.5” logo, since this indicates the place where her shop is, ‘5 Main Street, Adelaide’.

However, Peck erased her registration of the brand to the Australian Intellectual Property Office to not go against Chanel and modified the logo of her small branch, replacing the “5” with “0”.

According to the Australian magazine, Chanel has calmed down since the chocolate manufacturer

erased her registration, but they are keeping their attention on her.

At this moment there is no more evidence but eventually, if this would go to courthouse, the French house would probably win against Allison Peck.

In your opinion, is it possible and right to have a copyright on a number?