

Pierre Cardin establishes trademark in Ecuador

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Ecuador's Institute of Intellectual Property (IEPI) has recognised the notoriety of the trading name of French fashion company Société de Gestion Pierre Cardin.

The institute made its ruling on 4 September, drawing an end to the company's four year dispute with a clothing business in Ecuador which registered the same name as its own trading name.

Erika Alarcón of Pierre Cardin's counsel, [Bustamante & Bustamante](#), says, "We were pleased with the IEPI committee's resolution. The trade name for the company in question was wrongfully granted because the Pierre Cardin trademark already enjoyed notoriety here."

The dispute began in 2004, after clothing company Industria Ecuatoriana de Confecciones registered Pierre Cardin as its trade name. Pierre Cardin appealed to the IEPI to have the registration cancelled, arguing that the Pierre Cardin mark had been registered in fifty countries since 1959. They also cited a previous ruling by the IEPI, which established the trademark's fame in an action against Industria Ecuatoriana for counterfeiting the Pierre Cardin trademark.

Initially the IEPI committee upheld Industria Ecuatoriana's use of Pierre Cardin as a trade name on the basis of a licensing agreement made between the two parties in the 1980s, which the committee ruled remained in effect.

In overturning the ruling last month, the committee accepted Pierre Cardin's evidence of its notoriety, noting that its fame predates Industria Ecuatoriana's trade name application. It also ruled that the licensing agreement between the two companies was only related to Industria Ecuatoriana's use of Pierre Cardin trademarks, but did not extend to the trade name and company logo.

"We emphasised the facts in the reconsideration motion filed in view of the illegal and confusing resolution previously issued by the IEPI," explains Carmen Robayo also of Bustamante & Bustamante.

"Recognition of the notoriety of a trademark such as Pierre Cardin has set an important precedent with respect to the manner in which notoriety must be evaluated and considered by the IEPI's officers, and demonstrates that our legislation guarantees and respects the rights inherent to notorious trademarks," she adds.

Counsel to Pierre Cardin

- Bustamante & Bustamante

Partners José Rafael Bustamante, Carmen Robayo and Enrique Chiriboga, and associate Erika Alarcón

Counsel to Industria Ecuatoriana de Confecciones

- Barzallo & Barzallo Abogados

Partner José Luis Barzallo

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