

## Domain Name Law and Practice

14 March 2005	France	Part IV: Court Litigation
	Type of update: Case law	
	<p data-bbox="512 400 927 432"><b>Louis Vuitton Malletier / Google</b></p> <p data-bbox="512 470 1350 533"><u><a href="#">Tribunal de grande instance de Paris 3ème chambre, 2ème section Jugement du 04 février 2005</a></u></p> <p data-bbox="512 571 1390 969">In the recent ‘Google’ case, Louis Vuitton brought an action against Google Inc and Google France which was displaying commercial hyperlinks via their specialized advertise service ‘Adwords’, the action being based both on trade mark law and on the law of tort. The first instance court upheld the leather goods giant’s arguments and agreed that the use of its famous trademarks ‘Louis Vuitton’, ‘Vuitton’ and ‘LV’ in the Google search engine should not generate pop up advertisements for ruthless business rivals. The fact that the trade mark protected search words not only directed the user to the official Louis Vuitton websites but also to several unauthorised sites selling reproductions of the Vuitton products caused confusion amongst Internet users and damaged Louis Vuitton’s reputation.</p> <p data-bbox="512 1008 1398 1509">The court held that the trade marks were entitled to protection pursuant to L 713-3 of the CPI. Moreover, the court agreed with Louis Vuitton that the use of the said trade marks as well as the use of the Louis Vuitton’s commercial designation deliberately attempted to exploit its fame. This behaviour was held to be both an act of unfair competition and an infringement of French consumer protection law (L 115-33 and L 121-1 Code de la consommation). The court held Google fully liable for the unlawful advertisements arguing that it displayed to its paying customers a list of key words including ‘Louis Vuitton’, ‘Vuitton’ and ‘LV’ which could be associated with words like ‘imitation’, ‘fake’ or ‘knock-offs’ which were supposed to boost the number of people clicking on the ad; moreover Google sold the space necessary to post the ad, making sure that the advertisements were at the same level as the official Louis Vuitton websites (just on the right hand side of the unadvertised results). Google was ordered to pay €200,000 in damages.</p>	