



## PRESS RELEASE No 49/26

Luxembourg, 26 March 2026

Judgment of the Court in Case C-412/24 | Fauré Le Page

### **Luxury leather goods: the inclusion of a number in a trade mark, evoking a fictitious historical heritage, may be deceptive to consumers**

*Where a number included in a trade mark suggests a year of establishment in the distant past and thus a long-standing tradition which does not, however, reflect reality, consumers may be misled as to the quality and prestige of the goods*

The French company Fauré Le Page Paris, established in 2009, acquired the 'Fauré Le Page' trade mark and subsequently filed trade marks containing the designation 'Fauré Le Page Paris 1717' for leather goods.

The company Goyard ST-Honoré, operating in the same sector, challenged these trademarks before the French courts. In its view, the reference to '1717' wrongly suggests the existence of a firm founded in the 18<sup>th</sup> century and the transmission of traditional know-how. However, the historic firm Maison Fauré Le Page, which was specialised in the sale of arms and accessories, ceased trading in 1992, whilst Fauré Le Page Paris was established only in 2009.

The Cour de cassation (Court of Cassation, France), which is ruling on the dispute, asked the Court of Justice whether a trade mark may be regarded as deceptive under EU law where it includes a number likely to be perceived by the relevant public as indicating the year of establishment of a business and which – because that year is in the distant past – evokes long-standing know-how, even though no such long-standing know-how actually exists.

The Court holds that a trade mark is liable to be deceptive within the meaning of EU law where it includes a number which evokes long-standing know-how bestowing a perceived guarantee of quality and a prestigious image on the goods for which that trade mark is registered, even though no such long-standing know-how actually exists.

The Court points out, in this regard, that the applicable provision <sup>1</sup> prohibits trade marks 'of such a nature as to deceive the public' only in cases where the trade mark in question is likely to mislead the relevant public as to a characteristic of the goods or services it covers, such as their nature, quality or geographical origin. It adds, drawing on its previous case-law, <sup>2</sup> that the quality of luxury goods may also result from their allure and prestigious image.

The Court states that it is for the national court to assess, in the light of all the circumstances of the case and the perception of the relevant public, whether the number mentioned in the marks at issue is in fact perceived as a year evoking long-standing know-how, by examining those marks as a whole, taking into account, in particular, the presence, in addition to the number 1717, of the word 'Paris', and the message conveyed by those marks.

**NOTE:** A reference for a preliminary ruling allows the courts and tribunals of the Member States, in disputes which have been brought before them, to refer questions to the Court of Justice about the interpretation of EU law or the validity of an EU act. The Court of Justice does not decide the dispute itself. It is for the national court or tribunal to dispose of the case in accordance with the Court's decision, which is similarly binding on other national courts or tribunals before which a similar issue is raised.

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The [full text and, as the case may be, an abstract](#) of the judgment is published on the CURIA website on the day of delivery.

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<sup>1</sup> Article 3(1)(g) of [Directive 2008/95/EC](#) of the European Parliament and of the Council of 22 October 2008. That directive is no longer in force and has been replaced by [Directive \(EU\) 2015/2436](#) of the European Parliament and of the Council of 16 December 2015 to approximate the laws of the Member States relating to trade marks. However, Directive 2008/95 remains applicable *ratione temporis* to the dispute before the Paris Court of Appeal and the Court of Cassation.

<sup>2</sup> See judgment of the Court of Justice of 23 April 2009, *Copad*, [C-59/08](#) (see also Press Release [No 35/09](#)).