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UPDATE: Longchamp Claims It Suffered Losses In Excess Of \$1M

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Alexa Chung-Longchamp

French luxury leather goods brand, Longchamp, says Bed, Bath & Beyond and New York retailer, Laila Rowe sell

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knock off handbags. Longchamp filed a complaint in the United States District Court, Southern District of New York for trademark infringement against the parties. According to the complaint, the retailers are selling coin purses and handbags that knockoff its trademark look and style of Longchamp handbags. Longchamp has also sued manufacturer Capelli New York, and claims it has suffered losses in excess of \$1M over the sale of the knockoff handbags and coin purses.

Specifically, Longchamps claims the retailers sell handbags that infringe the trademark for its 1623 Style Handbag (which is the *Le Pliage* handbag) The look of the handbag includes a “distinctive trapezoidal shape”, leather trim with distinctive stitching, a snap on the front leather flap and other distinctive characteristics, according to the complaint. Longchamp claims its Le Pliage handbags “have acquired a distinctive, non-functional and protectable trade dress. The U.S. Patent and Trademark Office issued S.A.S. Jean Cassegrain, the parent company of Longchamp, a design patent for the handbag in 2005 and then obtained trademarks covering the “distinctive ‘look’ ” of the handbag, the complaint further states. Longchamp claims both the handbags and coin purses are being sold at Bed, Bath & Beyond “are identical in appearance” to the Le Pliage handbag.

However, before the action was filed, Longchamp asserts it notified all three companies to reach a resolution to the trademark infringement claim, the complaint states.

“However, Bed, Bath & Beyond and Capelli’s counsel, for prolonged periods of time, would not respond to communications from plaintiffs’ counsel.” The complaint goes on to assert: “Consequently, despite plaintiffs’ repeated overtures and efforts to reach a reasonable and amicable settlement with defendants BBB and Capelli, no

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settlement has been reached to date." Longchamp went after Bed, Bath & Beyond in 2005 for selling knockoff handbags. It claims it became aware the retailer was selling infringing handbags, but was ultimately able to reach a settlement.

Longchamp's "Le Pliage," handbag serial number 1623, was created and commercialized since 1993. Fashion designer, Jeremy Scott has regularly created special editions of the Le Pliage bag since 2006. Scott 's latest for Longchamp is the Spring 2015 Le Pliage Zodiac. More to come...

UPDATE:

John P. Bostany, of Bostany Law Firm PLLC, the attorney that represents both Bed, Bath and Beyond and Capelli New York told The Style of the Case that he normally represents owners of trademarks and copyrights in stopping others from copying, but the designs must be "original, artistic, and non-functional". But in this case, he is representing BB&B and Capelli New York against, luxury leather goods, Longchamp, because they believe the iconic Le Pliage handbag design is not protectable:

"Longchamp confirms in its complaint that my clients explained to them 2 years ago that we did not believe its designs were protectable mainly because the features were what is called "functional", meaning they help the consumers use the product," Bostany told The Style of the Case. He goes on to point out which elements of the Paris luxury brand's handbag design make it functional: "Longchamp's bags are basic designs that incorporate elements that help the user coordinate the bage.g. tabs at the ends of the zipper to hold

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while the consumer opens the bag, a long handle for ease of carrying, and a flap with a snap that goes over the zipper and prevents it from opening.” Two years later, Bostany said: “Longchamp woke up one morning and decided to sue my clients for making these consumer friendly functions available to the public. Needless to say, my clients will vigorously oppose the lawsuit”.

More to come...

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