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## The case: Louboutin v. Amazon

(ECJ 22 December 2022, C-148/21 and C-184/21).

## What are the facts?

**The issue in this ruling is whether Amazon can be held liable as an infringer for trademark infringements occurring on its online websites.**



**Mr Louboutin has a Benelux and an EU trademark for the colour red, applied to the outer sole of a high-heeled shoe.**

**Mr Louboutin argues that the Amazon website regularly displays advertisements for red-soled shoes which are trademark infringements.**

**Amazon operates websites selling various goods which it offers both directly in its own name and indirectly by providing a sales platform for third-party sellers.**

**It also offers third-party sellers additional services, such as stocking and shipping their goods.**



**In short the ECJ ruled that an operator like Amazon can be held liable in case the public will establish a link between the services provided by the operator and the infringing sign.**

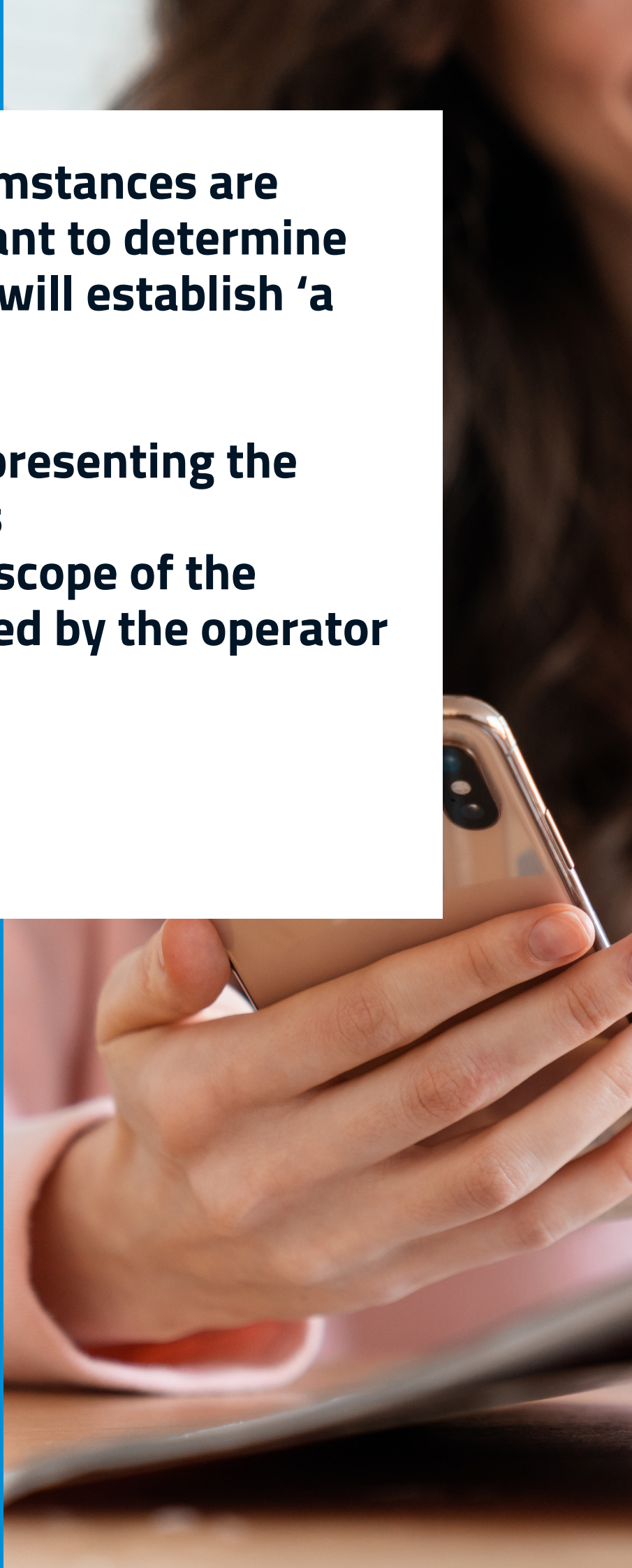


**The perception of the users of the websites is thus very relevant.**



**The following circumstances are particularly important to determine whether the public will establish 'a link':**

- **the method of presenting the advertisements**
- **the nature and scope of the services provided by the operator of the website**





**Taking into account these clarifications of the ECJ, the national courts of facts in Belgium and Luxembourg must now determine whether the public will establish 'a link' and whether Amazon can be held liable as an infringer.**

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