[FR] Internet Domain Name and Brand Infringement

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The Tribunal de Grande Instance (District Court) of Draguignan has made an important ruling on the topical question of the conflict between a trade mark and an internet domain name. The town of Saint-Tropez, the holder of the Saint-Tropez brand, noticed that a French company, Eurovirtuel, who had set up an internet site for the town at the address www.NOVA.fr/saint-tropez, was operating its own site at www.saint-tropez.com. The town consequently referred the matter to the court of Draguignan, thus giving the court the chance to define this new form of infringement of rights. Eurovirtuel address used an exact The judges made a highly classical interpretation to brand law, stating that when the or practically similar copy of the Saint-Tropez brand, the company was guilty of infringment of brand rights. The defence's claims, based on where the information was actually broadcast from, was quickly overturned by the court's unambiguous application of the laws and the argument that the information is received within an area where French brand law is applied.

TGI Draguignan, 1. chambre civile, 21 août 1997, Ville de Saint-Tropez c. Eurovirtuel

Regional Court of Draguignan, 1st civil chamber, 21 August 1997, Town of Saint-Tropez vs. Eurovirtue

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