
● **Fauré Le Page: A historical reference can make a trademark misleading**

The historic company Fauré Le Page had, since 1716, been engaged in the purchase and sale of weapons, ammunition and leather accessories. Dissolved in 1992, it transferred all of its assets and liabilities by way of universal transfer to its sole shareholder, Saillard, which had filed the “Fauré Le Page” trademark in 1989 before assigning it to a new company, Fauré Le Page, set up to exploit the trademarks and develop fashion and luxury goods. In 2001, the latter filed two French trademarks “Fauré Le Page Paris 1717”. In 2012, Goyard ST-Honoré brought an action for invalidity of these trademarks, on the grounds that the reference to “1717” could suggest a continuity of business with the historic house.

In a ruling dated September 23, 2026, the Court of Cassation brought an end to the proceedings between Fauré Le Page and Goyard ST-Honoré. It dismissed the appeal filed by Fauré Le Page and upheld the invalidity of the “Fauré Le Page Paris 1717” trademarks on the grounds that they were misleading.

The Fauré Le Page companies argued that the misleading nature of a trademark should be assessed in light of the characteristics of the designated goods or services, rather than the alleged seniority or expertise of the trademark owner. They also criticized the Court of Appeal for failing to take sufficient account of public perception and the low visibility of the “1717” designation in one of the trademarks.

The Court of Cassation had referred three questions to the CJEU for a preliminary ruling concerning the interpretation of the ground of deceptiveness provided for in Directive 2008/95/EC. In particular, the questions sought to determine whether an inaccurate historical reference could render a trademark deceptive even if it did not directly describe a material characteristic of the product.

In its judgment of March 26, 2026, the CJEU reiterated that deceptiveness requires actual deception or a sufficiently serious risk of deceiving the public. It clarified that such deception must, in principle, relate to a characteristic of the designated goods or services and not merely to a characteristic of the trademark owner, such as the owner’s seniority. However, a reference to a past year may suggest long-standing expertise, which constitutes a guarantee of quality and an image of prestige. When such expertise does not exist, the trademark may therefore be considered misleading.

Applying this ruling, the Court of Cassation held that the combination of the terms “Paris” and “1717” could lead the average consumer of luxury leather goods to believe that the products benefited from long-standing expertise, synonymous with quality and prestige. It concluded that the Court of Appeal had sufficiently established that there was actual deception regarding the quality of the products. The invalidation of the two trademarks thus became final.

Consequently, the Court of Cassation confirms that a trademark may be invalidated on grounds of deceptiveness when a historical reference falsely attributes to the products a level of craftsmanship, quality, or image of prestige that is likely to influence the public’s purchasing decision. Protection against deceptive trademarks thus applies not only to the composition, nature, or origin of the products, but also to the intangible qualities that the mark associates with them.