
● **Upcycling and trademarks with a reputation: no exhaustion of rights for transformed products**

In a ruling dated September 17, 2026, the Paris Judicial Court found Kamad Reworked (KR) liable for trademark infringement, unfair competition, and free-riding for selling “upcycled” clothing incorporating authentic Louis Vuitton pieces.

In this case, Kamad Reworked has specialized in the design, manufacture, and sale of so-called eco-friendly fashion items since 2021. As part of this business, it manufactured and sold “upcycled” clothing onto which pieces taken from authentic, secondhand Louis Vuitton products were sewn. However, these garments bore the brand name, the LV monogram, the monogram canvas, and the checkerboard pattern—all hallmarks of the LV brand.

Louis Vuitton Malletier sued the company in 2024 for infringement of trademarks with a reputation, unfair competition, and free-riding.

In its defense, KR invoked the exhaustion of rights (Art. L.713-4 of the Intellectual Property Code), arguing that the original products were authentic and acquired through lawful channels.

As a reminder, the aforementioned article provides that the trademark owner may not prohibit the use of its trademark on products placed on the market in the EU or the EEA by the owner or with the owner’s consent. However, the owner retains the right to oppose further marketing if it can demonstrate legitimate grounds, particularly a subsequent modification or alteration of the products’ condition.

KR also disputed any likelihood of confusion, arguing that the products were sold under its own brand name with an “upcycled” label, and emphasized its creative and eco-friendly approach.

The Court rejected all of these arguments and ordered KR and its managers to pay Louis Vuitton Malletier more than 900,000 euros in damages.

First, the Court held that the exhaustion of Louis Vuitton Malletier’s rights could not be invoked in this case, as the original products had been transformed and then reintroduced to the market in a new form. Such re-marketing requires the trademark owner’s consent, which the owner may withhold if it can demonstrate legitimate grounds, such as subsequent modification or alteration of the products.

The Court noted that the Louis Vuitton trademark signs were affixed directly to the disputed products and located in places where consumers are accustomed to seeing them on authentic products; therefore, these signs serve to identify the products’ origin. Consequently, the Court found that KR had used these signs as trademarks.

Furthermore, the public will establish a connection with these trademarks with a reputation: the “Kamad Paris” label and the term “upcycled” do not preclude the risk of association and even suggest a collaboration.

Moreover, the Court rejected the two arguments raised by the defense regarding freedom of artistic creation and the right to environmental protection.

Finally, the Court characterized the acts as unfair competition and free-riding.

By refusing to apply the doctrine of exhaustion of rights to transformed products, the Court reaffirmed that the trademark owner retains control over its trademark and the image associated with it. Trademark owners thus have a useful precedent to take action against unauthorized upcycling practices.

Paris Judicial Court, 3rd Chamber, 1st Section, Sept. 17, 2026, No. 24/07925, Louis Vuitton Malletier v. Kamad Reworked