



VOSSIUS & PARTNER

How to safely label textiles

According to Art. 5 and Annex 1 of Regulation (EU) No 1007/2011 only the textile fibre names listed shall be used for the description of fibre compositions on labels and markings of textile products. Both the manufacturer and the distributor shall ensure that textile products bear the compliant labelling or marking prescribed by the Regulation so that consumers will not be confused by the names and descriptions. This information is generally to be provided in the official language(s) of the Member State on the territory of which the textile products are made available to the consumers and shall be visible before the purchase, including in cases where the purchase is made on the Internet.

The Higher Regional Court of Munich, Germany, had the opportunity to rule on the question whether the textile fibre names "Cotton", "Acryl" and "Acrylic" respectively, may be used in a manner legally unobjectionable – despite the fact that they are not provided for in the German version of the Annex of the Regulation. In its recently published decision of October 20, 2016, Case 6 U 2046/16, the Court decided that the designations "Acryl" and "Acrylic" as textile fibre names were obviously not permitted as they are not listed and the missing prefix "Poly-" for "Polyacryl" might even lead the consumers to the conclusion that a different textile fibre like "Modacryl" was used. However, with respect to the formal offence of using the English designation "Cotton" instead of the German word "Baumwolle", the Court found no infringement under German Unfair Competition Law. The necessary threshold of a tangible impairment of the interests of competitors and consumers had not been crossed as the designation "Cotton" was used in a descriptive way and colloquially on the German market for "Baumwolle". Insofar, the Court referred to an earlier decision of the German Federal Supreme Court in trademark matters, which held that the designation COTTON LINE as a company's name was devoid of any distinctive character in connection with clothing and purely descriptive. Further, despite the binding EU provisions the Court did not come to the conclusion that consumers were deprived of any relevant information.

When designing new labels for textiles and marketing clothing on a company's website, the EU provisions should nonetheless be strictly complied with. Even minor variations may easily be objected to and prosecuted.





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Any questions regarding textile labelling?

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