

EUIPO:

The importance of a registered trademark - Carolina Herrera Case

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Today, Thursday 9 January, 2025 we celebrate the iconic designer Carolina Herrera's birthday, a woman whose influence in the world of fashion and fragrance is still more than relevant.

To commemorate her legacy, we would like to highlight a recent case **involving one of her trademarks**, which underlines a fundamental lesson in the field of intellectual property: the importance of an effective trademark protection.

Carolina Herrera and the importance of a trademark registration

On 15 November, 2024 the European Union Intellectual Property Office (EUIPO) ruled on a case involving an application for the trademark 'BUENA CHICA' by Guangzhou Maoqi Electronic Technology Co, Ltd, which was **opposed by Carolina Herrera Ltd** in relation to its iconic trademark '**GOOD GIRL**'.

The EUIPO ruled in favor of Carolina Herrera's opposition on the grounds that **there was a clear likelihood of confusion between the two marks**. The decision was based on Article 8(1)(b) of the EU Trademark Regulation, which states that **a trademark**

shall not be registered if it is identical with or similar to a previously registered trademark, provided that the goods or services are similar and there is a likelihood of confusion on the part of consumers.

In particular, the 'GOOD GIRL' mark enjoys a high reputation and a very high degree of distinctiveness in the perfumery industry, which makes its protection all the more important.

Although the marks 'GOOD GIRL' and 'BUENA CHICA' are neither phonetically nor visually similar, **the EUIPO concluded that they were conceptually identical**.

As can be seen, the mark applied for is in fact a direct translation of the original mark into Spanish. This point is crucial because the likelihood of confusion is not only based on visual or phonetic similarities, **but also on the public's perception of the two marks**. If the public associates 'BUENA CHICA' with 'GOOD GIRL', there is a strong possibility that the consumer will perceive the new mark as a simple variant or extension of the original.

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What is interesting about this ruling is that it reinforces the notion that trademark protection is not only a legal issue, but also a **strategic issue**.

A well-protected trademark not only safeguards the effort and work of the company, but also **preserves consumer confidence and the integrity of the brand image**.

In this case, the reputation of the trademark "GOOD GIRL" in the market was a determining factor to avoid confusion between the competing marks. Consumers, even with a higher than average level of attention, could have confused "Good Girl" with a new version of "GOOD GIRL", **affecting both consumer perception and the value of the original mark**.

In short, the EUIPO decision reminds us that **a well-protected trademark is an invaluable asset**. Intellectual property, and trademark protection in particular, plays a crucial role in the competitiveness and longevity of companies.

It is not only a legal issue, but also a strategic one that can have a direct impact on public perception and the long-term success of a trademark in the marketplace.

Ultimately, effective trademark protection ensures that marks can be clearly differentiated in the marketplace, preserving their distinctiveness and preventing consumer confusion.

Do you need to register your trademark?

Our team of trademark attorneys and qualified IP agents, offer a permanent monitoring service of all the new trademark applications that are continuously published in the various national, regional and international Official Gazettes of any country in the world, so that we can immediately inform you when a trademark application may cause confusion and/or association.

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