

## Infringement And Defenses – Famous Marks

### “MARIE CLAIRE, MARIE CLAIRE MAISSON” Trademarks

#### MARIE CLAIRE ALBUM vs. AZNAR S.A. (ES)

#### (\* ) 1st Commercial Court of Beyoğlu / Istanbul Decision No. 1997/624 - 1999/363 (September 21, 1999)

An action (\*) was instituted for the cancellation of the defendant’s “MARIE CLAIRE” trademark registration no.152162 in Turkey on ground of trademark infringement and unfair competition.

The plaintiff claimed that “MARIE CLAIRE” and “MARIE CLAIRE MAISON” are published respectively since 1937 and 1967, read by more than 13 million women in 24 different countries, also locally published in Turkish as well as in French and finally worldwide registered including before the Turkish Patent Institute under nos.102827 and 151327 and that therefore the registration of defendant’s trademark which is visually and phonetically identical and cover the same goods and services infringes the plaintiff’s trademark rights.

The defendant although notified of the action instituted against himself did not attend the hearings and did not present any defense.

Upon examination of the evidences and the favorable expert’s report submitted by the plaintiff in support of his claims, the court accepted all claims and considering that the defendant’s trademark no.152162 “MARIE CLAIRE” infringes the plaintiff’s registered and notorious trademarks no.102287 and 151327 “MARIE CLAIRE” and constitutes unfair competition ruled for the cancellation of the registration No. 152.162.