

Dentons secures victory for Amazon before the German Federal Court of Justice

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Frankfurt —Dentons successfully represented Amazon against Coty’s trademark infringement claims before the German Federal Court of Justice (“BGH”).

Following the revision of the selective distribution system and the decision of the Munich higher district court (Az. I ZR 147/18), the BGH has decided in favor of Amazon. The court in Munich must decide next whether stipulations in the Coty distribution contracts result in a market foreclosure. If so, Coty will bear the burden of proof as to whether the perfumes in dispute were parallel imports or not.

Despite the fact that Amazon is not an official retail sales partner of Coty, Joop! perfumes were available for purchase via Amazon. Coty alleged that Amazon is offering parallel imports not intended for sale in the EU.

Prior to the BGH’s decision, Amazon lost in the first two instances. Both the Munich district court and the Munich higher district court decided that Amazon had to prove whether the goods were put on the EU market by Coty or with its consent. The higher district court in Munich did not allow a further appeal to the BGH. Last year, with the support of the Dentons team, consisting of partner Constantin Rehaag and counsel Pascal Straszewski, Amazon won a complaint against non-admission to the BGH. The BGH allowed the appeal and overturned the decision of the Munich courts on the basis that they did not correctly determine the legal situation.

Partner Constantin Rehaag, who represented Amazon in the case, commented: “We are happy to have assisted the client in this challenging litigation. Our collaboration with Amazon’s team was intense and fruitful, which is an indispensable ingredient for success in complicated litigation cases like this.”

About Dentons

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