

## Eagle v wings: court grounds Armani's trademark challenge

Marco Bundi  
Meisser & Partners AG  
21 January 2025



Shutterstock/photo-lime

### SWITZERLAND

Legal updates: case law analysis and intelligence

- The IGE dismissed Armani's opposition against the mark PARUI (and wings device) in Classes 14, 18 and 25 based on its eagle device
- On appeal, the court found that the overall impression created by the opposed mark differed significantly from that conveyed by Armani's mark
- There was no substantial risk of confusion, whether direct or indirect

The Swiss Federal Administrative Court has affirmed a decision of the Federal Institute of Intellectual Property (IGE) denying an opposition by Giorgio Armani SpA based on its eagle device mark against the trademark PARUI (and wings device) and finding that both trademarks could co-exist ([Case B-636/2023](#), 8 November 2024).

### Background

Italian luxury fashion house Armani is the owner of the well-known eagle device (Trademark No 449697), depicted below:



Based on this trademark, Armani opposed the following trademark application by Guangzhou Qiluoshi Watches Co Ltd in Classes 14, 18 and 25:



The IGE rejected the opposition, and Armani appealed the decision to the Federal Administrative Court.

## Decision

The court held that Guangzhou's trademark consisted of the combination of a geometric figure, the word element 'PARUI' and Chinese ideograms. Armani claimed that the design elements, specifically the stylised wings, resembled its eagle emblem and could mislead consumers.

The court reasoned that, while there was a superficial similarity in the use of horizontal lines resembling wings, the overall impression created by the contested trademark differed significantly from that conveyed by Armani's mark due to the inclusion of the element 'PARUI', the Chinese ideograms and other graphical details. The court also highlighted that Armani's eagle emblem, while recognisable, was not sufficiently distinctive in isolation to preclude the registration of other marks containing vaguely similar elements.

The court thus found no substantial risk of confusion, whether direct or indirect, and dismissed Armani's appeal.

## Comment

The court's decision seems legally sound and well reasoned. While Armani's eagle emblem is iconic, trademarks must be assessed based on the overall impression that they create. The inclusion of unique verbal and graphical elements in the respondent's mark sufficiently distinguished it from Armani's mark. Moreover, the court correctly emphasised that a concept (eg, wings) cannot be monopolised under trademark law. This decision reinforces the principle that brand recognition alone cannot override a thorough analysis of a mark's distinctiveness and of the potential for confusion.

---

### Marco Bundi

*Meisser & Partners AG*

[bundi@swisstm.com](mailto:bundi@swisstm.com)

[View full biography](#)