

CORRECTION

France

Correction to “Cheval Blanc”

Decision of the Supreme Court (Cour de cassation)

8 June 2017 – Case No. 15-21357

*Cheval Blanc Company, now Château Cheval Blanc, v.
Mr. X and Earl X., former Earl X... de Cheval Blanc*

Intellectual Property Code, Arts. L. 711-3, L. 716-1;
Law of 31 December 1964, Art. 3; Civil Code, Art,
2262

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The decision “*Cheval Blanc*” was published with incorrect headnotes. Please find the correct headnotes here:

1. **The fact that the defect of deceptiveness tainting a trade mark can be purged neither by use nor by time is not capable, as a matter of principal, of overcoming the limitation period applicable to an action for the cancellation of the trade mark based on this defect and does not interrupt the limitation period as long as the trade mark remains inscribed in the national trade mark register.**
2. **A prohibition imposed on pain of penalty on the use of an infringing term (here: “cheval blanc”) in a business name in whatever form and at whatever place is sufficient to ensure the reparation in full of the loss suffered resulting from the infringement of the trade mark, when no evidence has been provided of any specific loss, enrichment of the infringers, or dilution by such use of the distinctive character, fame and prestige of the trade mark.**