

The **i**NTERPATENT newsletter



JUNE 2026

WHEN AN ITALIAN POP SONG BECOMES EVIDENCE OF TRADEMARK REPUTATION: THE ROY ROGER'S CASE

Can a hit song help prove that a trademark is well known in court?

In Italy, the answer is yes.

A recent decision of the Florence Court offers an interesting insight into how Italian courts assess trademark reputation and the type of evidence that may be relied upon in infringement and unfair competition proceedings.

For many Italians, **Roy Roger's** is much more than a **denim brand**. Established in the 1950s, it became **one of the country's most iconic jeans manufacturers**, instantly recognizable by the distinctive black triangular label sewn onto the back pocket, a sign that has been registered as a trademark both in Italy and throughout the European Union.

The brand owner recently brought infringement proceedings against a Tuscan company that had adopted an identical triangular device on its clothing.

To strengthen its claim, Roy Roger's owner, Seven Bell Group S.r.l., submitted extensive evidence

demonstrating the reputation of its trademark. The evidence included press coverage, participation in major fashion events, substantial sales in Italy and abroad, and the trademark's inclusion in the **Italian Register of Historic Trademarks of National Interest**, a register reserved for long-established Italian brands, which, in addition to being a recognition of brand owners' history, tradition and contribution to Italian excellence, may also provide persuasive evidence of a mark's historical significance and reputation.

But one piece of evidence stood out.

The claimant also relied on the fact that Roy Roger's is mentioned in the song "**Gli Anni**" ("**The Years**"), one of the most famous songs by the Italian band **883**.

For readers outside Italy, the 883 may require a brief introduction.

883 was one of Italy's most successful pop bands during the 1990s, founded by **Max Pezzali** and Mauro Repetto. Their songs became the **soundtrack of an entire generation**, often describing everyday Italian life, youth culture and

the symbols that defined the decade.

Today, Max Pezzali is filling Italy's largest stadiums with his "Max Forever" tour, attracting **tens of thousands of fans** who grew up with those songs.

One of the band's greatest hits, *Gli Anni*, nostalgically recalls life in the 1990s through **references that every Italian immediately recognizes**, from television shows and football to scooters, friendships and... Roy Roger's jeans.

The song's reference to the brand was considered by the Court as further confirmation that the **trademark had become part of Italy's collective cultural memory**.

The Florence Court accepted the claimant's arguments and found that the Roy Roger's trademark enjoyed a **significant degree of reputation**.

Importantly, the decision demonstrates that **Italian courts do not limit themselves to traditional commercial evidence when assessing reputation**. Instead, they may consider the overall presence of a trademark in society and popular culture.

Evidence may therefore include:

- market share and sales figures;
- advertising investments;
- press coverage;
- participation in trade fairs and industry events;
- international commercial presence;
- consumer recognition;
- inclusion in the Register of Historic Trademarks of National Interest; and
- even references in works of popular culture,

where these contribute to demonstrating that the sign is widely recognised by the relevant public.

Based on the reputation established, the Court ordered the seizure of the infringing goods, prohibited further use of the sign and also found that the defendant had engaged in acts of unfair competition.

The Court further considered that, given the extensive reputation of the Roy Roger's trademark, the defendant could not plausibly claim to have acted in good faith.

Businesses entering the Italian market often underestimate the **importance of properly documenting the reputation of their brands**.

In Italy, establishing trademark reputation may significantly influence the outcome of infringement and unfair competition proceedings, affecting not only the scope of protection afforded to the trademark but also the court's assessment of issues such as bad faith, likelihood of confusion and unfair commercial practices.

A **carefully prepared evidentiary strategy** can therefore become decisive.

Interpatent regularly assists foreign law firms and international brand owners in coordinating Italian litigation and developing evidence-based enforcement strategies before the Italian courts. If any of your clients are engaging in trademark disputes in Italy involving the proof of reputation, infringement, dilution or unfair competition, please do not hesitate to contact our attorneys, who will be delighted to be of assistance.

SPOTLIGHT ON THE FIFA WORLD CUP - A DESIGN DISPUTE TO WATCH



For us Italians, it is perhaps still a little painful to write about anything connected with the FIFA World Cup... However, given the global attention currently focused on international football, this design dispute is certainly one worth following.

A German designer, Marius Dittmar, has initiated invalidity proceedings before the EUIPO against the Registered Community Design protecting Adidas' new "**Trionda**" official match ball for the **2026 FIFA World Cup**. The applicant argues that the registered design lacks novelty and individual

character in view of an earlier four-panel football design that he developed.

Although the dispute concerns a football, the legal issues involved extend well beyond sport. Adidas has been the official supplier of FIFA World Cup match balls for more than five decades, making each new design one of the most visible industrial designs in the world. The appearance of the official ball is not merely an aesthetic feature but a commercially valuable intellectual property asset, supported by substantial investment in research, engineering and global marketing.

Modern manufacturing techniques have enabled designers to reduce the number of panels and develop increasingly sophisticated geometries intended to improve aerodynamic performance, consistency in flight and production efficiency. As a result, the configuration and shape of the

individual panels have become key elements of innovation and are often protected through registered design rights.

The outcome of the EUIPO proceedings could therefore extend beyond the parties involved. The decision is expected to provide further guidance on how the concepts of **novelty** and **individual character** should be assessed for product designs where relatively subtle geometric differences may have both technical significance and considerable commercial value. It may also influence the degree of freedom available to competitors when developing footballs with comparable visual characteristics.

We will continue to monitor this case and report on any significant developments, as it may become an important reference for design protection strategies in Europe.

THREE YEARS OF THE UNITARY PATENT AND THE UNIFIED PATENT COURT: A MATURE SYSTEM FOR PATENT PROTECTION IN EUROPE



On 1 June 2026, the Unitary Patent (UP) and the Unified Patent Court (UPC) celebrated their third anniversary. After an initial launch phase followed by a period of procedural consolidation, the system has now reached full operational maturity and has become a key component of patent protection strategies across Europe.

The latest [figures](#) published by the European Patent Office (EPO), together with the [UPC's 2025 Annual Report](#), confirm the growing acceptance of both the Unitary Patent and the Unified Patent Court, demonstrating that the new framework is now a well-established and increasingly predictable part of the European patent landscape.

Continued Growth in the Adoption of the Unitary Patent

Since its introduction, more than 97,000 requests for unitary effect have been filed, and the uptake rate (percentage of requests received with respect to European patents granted) has continued to rise, now exceeding 30% of all European patents granted. The Unitary Patent has established itself as an attractive option for obtaining broad territorial protection across [participating Member States](#) through a simplified administrative framework and a centralized renewal fee system.

The available statistics also confirm that the system is far from being used exclusively by large multinational corporations. A significant proportion of requests originates from SMEs, universities, research institutions and individual inventors, reflecting the accessibility and practical

advantages of the new system.

The UPC Continues to Demonstrate Efficiency

The Unified Patent Court has likewise experienced a steady increase in activity.

More than 1,100 actions have now been filed before the Court of First Instance, while the Court of Appeal has handled over 300 appeals.

One of the UPC's most notable achievements continues to be the speed of its proceedings. Patent infringement actions are currently resolved, on average, in approximately thirteen months—a remarkably short timeframe compared with litigation before many national courts. This efficiency has significantly altered litigation strategies, requiring parties to prepare comprehensive arguments within strict procedural deadlines.

An Expanding and Influential Case Law

As the number of decisions grows, the UPC is also developing an increasingly sophisticated body of case law.

One of the most closely watched developments in 2026 is the Court of Appeal's first request for a preliminary ruling from the Court of Justice of the European Union in *Dyson v. Dreame*. The forthcoming decision is expected to clarify important jurisdictional issues concerning the territorial reach of the UPC.

At the same time, litigation involving Standard Essential Patents (SEPs) continues to expand, confirming the UPC's growing importance in disputes involving high-technology industries and telecommunications.

New ADR Opportunities

Another significant milestone was reached on 2 June 2026 with the full opening of the Patent Mediation and Arbitration Centre (PMAC), operating from Ljubljana and Lisbon.

The Centre offers parties specialised mediation and arbitration services for patent disputes, providing an additional confidential and flexible dispute resolution mechanism alongside UPC litigation.

Keeping Pace with a Rapidly Evolving European Patent System

Three years after its launch, the European patent system has entered a new phase of maturity.

Choosing between a Unitary Patent, a traditional European patent, the use of the UPC or an opt-out strategy now requires careful consideration of each client's commercial objectives, territorial coverage and enforcement plans. As the legal framework continues to evolve through UPC decisions, staying informed has become increasingly important for practitioners advising clients with European patent portfolios.

Our firm closely follows legislative and judicial developments relating to the Unitary Patent and the Unified Patent Court. We regularly assist international clients and foreign associate firms with European patent prosecution, validation strategies, UPC-related matters and enforcement throughout Europe.

We would be pleased to work with colleagues worldwide seeking reliable European support for their clients' patent protection and enforcement needs.

MOLDOVA JOINS THE EUROPEAN PATENT CONVENTION AS ITS 40TH MEMBER STATE



On 1 June 2026, the Republic of Moldova officially became the 40th Contracting State to the European Patent Convention (EPC). Following the deposit of its instrument of accession on 25 March 2026, Moldova is now a full member of the European Patent Organisation, marking another important step in the continued expansion and harmonisation of the European patent system.

The accession concludes a long process of cooperation with the EPO, which began in the 1990s and was further strengthened through the validation agreement that entered into force in 2015.

What Changes for European Patent Applicants?

Moldova's accession brings several practical changes that European patent practitioners should be aware of.

First, the previous validation system has come to an end. Until 31 May 2026, applicants could extend the effects of a granted European patent to Moldova by requesting validation and paying the corresponding validation fee. As of 1 June 2026, this mechanism is no longer available.

Secondly, for all European patent applications filed on or after 1 June 2026, Moldova is automatically included among the designated EPC Contracting States. No additional designation or validation request is required.

Finally, once a European patent is granted, post-grant formalities in Moldova will follow the standard EPC framework applicable to all Contracting States, including any national translation or validation requirements prescribed under Moldovan law.

Practical Considerations for International Applicants

Although the accession does not fundamentally alter European filing practice, it simplifies portfolio management by integrating Moldova into the standard EPC designation system.

For applicants seeking protection across Europe, this means broader territorial coverage through a single European patent application and a more streamlined post-grant process. It also removes the need to separately consider whether Moldovan validation should be requested during prosecution.

For foreign patent attorneys managing international portfolios, this is another reminder that the territorial scope of European patent protection continues to evolve. Filing and validation strategies should therefore be reviewed regularly to ensure that clients benefit from the most up-to-date procedural framework.

Supporting International Associates Across Europe

Our firm continuously monitors legislative and procedural developments within the European patent system to ensure that foreign associates and their clients receive accurate and timely advice.

Whether assisting with European patent prosecution, national validations, Unitary Patent strategy or post-grant formalities across EPC member states, we are pleased to support colleagues worldwide with reliable and efficient representation throughout Europe.

The aim of this newsletter is to keep our Clients and Associates updated about developments in the sector of Intellectual Property in general and our firm in particular. In this way, we wish to provide a broader view of the tools that the field of trade marks, domain names, patents, designs and related rights offers to entrepreneurs to enhance and protect their efforts in researching and developing new solutions and ideas.



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REA (Economic and Administrative Index) Number 963838

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