

**Rejection of the application for an EU trademark
(Articles 7 and 42 paragraph 2 UMV)**

Alicante, 05/01/2026

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Registration number: **019209642**

Your sign: **23502dw**

Brand:

Q U I T E
LUXURY

Type of brand: **logo**

Applicant: **Fashion Holding Düsseldorf GmbH**
At Becke 34
D-45527 Hattingen
GERMANY

I. Facts of the Case

On 08/08/2025, the Office issued a notice of grounds for refusal of registration, citing a lack of distinctiveness of the applied-for mark pursuant to Article 7(1)(b) and Article 7(2) EUTMR.

The goods for which the grounds for refusal of registration were invoked were:

Grade 18 *Leather and imitations of leather; animal hides and skins; luggage and carrier bags; baggage, purses, wallets and other carrying containers; umbrellas and parasols; walking sticks; whips, harnesses and saddlery; collars, leads and blankets for animals.*

Class 25 *Clothing, footwear, headwear.*

The obstacles to registration were based on the following reasons:

Descriptive character

The assessment of the descriptive character depends on how the relevant consumer would perceive the sign in connection with the goods and services for which trademark protection is sought. In this case, the relevant English-speaking consumer, comprising both the general public and a style- and quality-conscious consumer, would understand the sign as follows: quiet luxury (a fashion concept for understated luxury).

Preliminary remarks:

The trademark "QUITE LUXURY" is inevitably associated by the relevant public with the industry-standard, clearly defined style term "QUIET LUXURY". Due to the almost identical spelling and phonetic similarity of the terms, the mark is understood merely as a slight misspelling of the well-established expression "QUIET LUXURY", whose recognition value as a designation of a specific style and product positioning is not significantly impaired.

The assumption that "QUITE LUXURY" is, in the eyes of the relevant
The claim by the public that this is a misrepresentation of the expression "QUIET LUXURY" is based on the well-documented fact in the English language that the words
"QUITE" and "QUIET" are often confused due to their similar spelling and pronunciation:

<https://www.grammarly.com/commonly-confused-words/quiet-vs-quite>

In procedural language:

The words 'quiet' and 'quite' are often confused due to their similar spelling [...].

<https://prowritingaid.com/quite-vs-quiet>

In procedural language:

The words 'quite' and 'quiet' are often confused by authors. This confusion is usually due to a typo. It's easy to accidentally press the E and T keys in the wrong order and type 'quiet' when you mean 'quite'.

To illustrate a misspelling of "QUIET LUXURY" in a running text:

<https://www.ingrid.com/blog/quiet-luxury-e-commerce-personalization>

Trademark review:

The understanding of the established, industry-standard practices in the fashion sector, as outlined above, The style designation "QUIET LUXURY" is documented by the following internet source:

QUIET LUXURY

The relevant consumer would understand the terms together as follows:

'The style of Quiet Luxury stands for a restrained, elegant aesthetic based on high-quality materials and minimalist design, without conspicuous logos or visible trademarks. Instead of flashy fashion statements, Quiet Luxury focuses on the quality and craftsmanship of the clothing. Timeless elegance and an often muted color palette with natural tones such as beige, gray, navy, and earth tones are paramount' (information from GQ Magazine – an internationally renowned men's magazine that focuses primarily on fashion, style, lifestyle, and culture: see <https://www.gq-magazin.de/artikel/quiet-luxury>, accessed on August 8, 2025).

The relevant consumers would consider the mark to be informative for the goods claimed in classes 18 and 25, which are mainly fashionable consumer goods with Design and brand reference encompass, perceive:

Fashion and fashionable accessories

The clothing, footwear, and headgear claimed in Class 25, as well as the luggage and carrier bags claimed in Class 18; luggage, bags, wallets and other carrying containers, as well as umbrellas, parasols and walking sticks, form a homogeneous group in terms of content, since they all belong to the category of fashionable consumer goods. In this context, the term "QUIET LUXURY" stands for subtle, high-quality pieces that are fashionable yet understated. Consequently, the mark describes the stylistic orientation, quality level and market positioning of these goods.

High-quality raw materials

The leathers and leather imitations, as well as animal hides and skins, claimed in Class 18 constitute the high-quality raw material used to express the style of understated luxury. In this context, the term "QUIET LUXURY" refers to fine, exquisite leathers and can indicate their refinement or aesthetic effect as subtle yet luxurious. Consequently, the mark describes the quality, style, and aesthetic positioning of the materials.

Luxury equestrian and pet accessories

The whips, horse harnesses and saddlery, as well as collars, leashes and blankets for animals, claimed in Class 18 are aimed at style-conscious and affluent consumers who value high-quality, understated products in the equestrian and pet sectors. In this context, the term "QUIET LUXURY" represents a minimalist yet elegant product design made from high-quality materials, as seen, for example, in designer leashes or elegant saddles. Consequently, the mark describes a characteristic stylistic feature as well as the market positioning of the goods.

In summary, despite certain stylized elements consisting of the superimposed writing of the words "QUIET" (in narrow type) and "LUXURY" (in bold type with the top edges of the letters consistently cut off), the relevant consumer would perceive the sign as descriptive for all goods claimed in classes 18 and 25.

Lack of discriminatory power

Since the sign has a clearly descriptive meaning, it also lacks distinctiveness and is therefore excluded from registration pursuant to Article 7(1)(b) of the EU Trademark Regulation. This means that it is not capable of fulfilling the essential function of a trademark, which is to distinguish the goods or services of one undertaking from those of other undertakings. Furthermore, it is common practice in the fashion and lifestyle industry to use the term "LUXURY" as a descriptive indication of goods of high quality, exclusivity, or price range. In combination with "QUIET," this results in an immediately understandable description of the stylistic orientation and positioning of the goods in question.

Furthermore, signs that are commonly used in the marketing of the goods in question do not have any distinctive character in relation to those goods.

In this context, internet research on 07/08/2025 revealed that the established fashion term, correctly spelled "QUIET LUXURY", is commonly used in the relevant market:

[https://www.carlfriedrik.com/int/magazine/what-is-quiet-luxury?
srsltid=AfmBOorxXNflyn5BSRIGTe9p7HOhrMypNtSJSjqzpsMn2sMVTsrJZd2n](https://www.carlfriedrik.com/int/magazine/what-is-quiet-luxury?srsltid=AfmBOorxXNflyn5BSRIGTe9p7HOhrMypNtSJSjqzpsMn2sMVTsrJZd2n)

<https://www.thewalkmag.com/blog-2-3/u6mpf8uxm03ard3a8fx7s1t9rj6384>

In procedural language:

What is quiet luxury?

Think buttery-soft cashmere sweaters, perfectly tailored trousers, or minimalist handbags crafted from the finest leather – often with little or no visible branding. Brands like The Row, Loro Piana, and Hermès embody this philosophy, offering pieces that appeal to connoisseurs rather than the masses.

<https://www.luxe-infinity.com/en/tendances-mode/le-quiet-luxury-ou-luxe-discret/>

In procedural language:

The Codes of Quiet Luxury

The materials are exquisite: silk, cashmere, wool, linen... and above all, of impeccable quality.

When it comes to accessories, we always focus on simplicity: The pieces have a retro character and are of good quality.

When it comes to shoes, we prioritize absolute comfort. [...] The belt is the star of this trend.

The relevant content of the links was reproduced in the notice of objection.

Although the mark contains certain stylized elements, namely the superimposed text of the words "QUIET" (in a narrow typeface) and "LUXURY" (in a bold typeface with the tops of the letters consistently cut off), these elements are not suitable for conveying an immediate and lasting impression that the relevant consumer will retain. The overall graphic stylization of the mark is rather banal and conveys no message to the relevant public.

conceptual meaning that would distract their attention from the descriptive message conveyed by the easily readable word elements in the registered trademark.

The symbol as a whole is therefore descriptive and not distinctive.

Consequently, it is not suitable for distinguishing the goods against which a complaint has been lodged pursuant to Article 7(1)(b) and (c) and Article 7(2) of the EUTMR.

II. Summary of the applicant's arguments

The applicant submitted a statement on this matter by letter dated 18/09/2025. The statement can be summarized as follows:

1. The distinctiveness of the application derives primarily from the pictorial distortion of the writing, the partially incomplete representation of the characters, and an arrangement of the words that contradicts grammatical rules.
2. The office examined an alternative version. References to various websites were not convincing; these were either individual opinions of the authors or pages created with the same AI.
3. To support the objection that "QUIITE" is understood as "QUIET" without ambiguity, a public opinion survey would be required, the method of which would be comprehensible and based on recognized criteria. should be based on scientific principles.
4. One should not draw too many conclusions from a misspelling in a text.

III. Reasons for the decision

According to Article 94 of the EU Trademark Regulation, it is incumbent upon the Office to make a reasoned decision to which the applicant may respond.

After careful consideration of the applicant's arguments, the Office decided to uphold the obstacles to registration.

Regarding the arguments:

1. The distinctiveness of the application derives primarily from the pictorial distortion of the writing, the partially incomplete representation of the characters, and an arrangement of the words that contradicts grammatical rules.

The applicant's argument can be upheld insofar as the mark depicts a slightly distorted typeface. It is also fundamentally correct that the typeface appears somewhat cut off.

If a sign is recognized as an indication of commercial origin based on its overall design, such as a particular arrangement of the lettering, it can be protected under trademark law.

become.

In this context, reference is made to the applicable case law.

Unprotectable pictorial symbols, the rejection of which was upheld by the court, were:



T-663/14



T-318/15



T-32/15



T-237/15



T-536/15



T-4/15



T-360/15



T-331/15



T-422/15



T-54/15 ("Liga" in Finnish)

days, Class 3)



T-261/15 (the whole



"Choice" means, among other things, "selection" or "choice," and it is therefore understandable that the word cannot be monopolized by one entrepreneur for ice cream and other goods. See: 12/04/2016, T-361/15, Choice chocolate & ice cream, EU:T:2016:214. A similar connection to that in the present mark was present in the application for "Dating Bracelet." See 20/03/2018, T-272/18, Dating Bracelet (fig.), EU:T:2018:158, § 57. There, a heart-shaped mark was combined with an infinity symbol. This graphic was also deemed insufficient by the Court.



T-251/17 Simply.Connected



T-277/18 Pick & Win Multislot



T-222/14 RENV, deluxe



T-279/17, Push and Ready



T-765/16, EL TOPIO El sabor de CANARIAS



T-220/17, 100% Palatinate



T-561/17 Bags2Go



T-428/17, ALPINE WORLDS The Mountain Guides



T-272/17, Dating Bracelet



T-755/16 Take your time pay after

T-203/14

*Splendid**



T-290/15 Smarter Travel

The examiner points out that the registration threshold for figurative elements, especially when the word components lack any distinctiveness, has increased significantly in recent years compared to a few years ago. The following figurative marks have also been deemed lacking distinctiveness by the court or the boards of appeal:



BK decision R1372/2016-1



BK decision R1431/2016-5



Court ruling T-202/15



BK decision R0150/2016-4



Metabolic Balance



Court ruling T-594/15

BK decision R0185/2017-5

In the examiner's opinion, the graphic elements used are ultimately too minor to be used as a distinctive feature.

2. The agency examined an alternative option. References to various websites were not convincing; they represented individual opinions of the authors or were pages created using the same AI.

The mark was examined as claimed. However, the examiner is of the opinion that it can be interpreted as described in the notice of objection.

Websites are subjective to a certain extent, so it cannot be ruled out that these might be individual opinions. In other words, the internet excerpts are not decisive for the rejection. However, the reviewer consulted native speakers when forming their opinion, and the conclusion that this is a minor spelling error that most consumers will not consider significant is upheld.

3. The assertion in the notice of objection that "QUITE" is understood as "QUIET" without ambiguity would require a demographic report whose method of evaluation would be comprehensible and based on recognized scientific principles.

No. See point 2. It would defeat the purpose of an examination procedure if the examiner had to rely on opinion polls in such cases.

4. One should not draw too many conclusions from a single misspelling in a text.

The last statement is correct. In this case, the word "Luxury" is promotional and lacks distinctiveness. The crux of the matter, therefore, is whether the additional elements, namely "QUITE" and the graphic used, are decisive.

Q U I T E
LUXURY

In the examiner's opinion, the view expressed in the complaint can be upheld. The slightly truncated text does not distract from the message, and the minor misspelling does not influence the consumer to such an extent that they will recognize it as a trademark.

Misspellings are commonplace in the English-speaking world, as the Second Board of Appeal already stated in 2004:

"Often, promotional messages printed on products or their packaging are not written in ordinary, grammatically correct prose. Space is limited, so messages are necessarily elliptical. Short, punchy messages are in any case more likely to attract the attention of the consumer, who may not have the time or the inclination to read long texts. Hyperbole is prevalent; the consumer expects nothing less. Loose syntax is everywhere. Phonetic misspellings are commonplace, at least in the English-speaking world. (R 118/2003-2 - WHITENING MULTI-ACTION, par. 14, dated June 22, 2004)

The examiner's translation: "*Often, advertising messages printed on products or their packaging are not written in ordinary, grammatically correct prose. Space is limited, so messages are necessarily concise. Short, expressive messages are more likely to capture the attention of consumers who do not have the time or inclination to read long texts. Exaggeration is widespread; consumers expect no less. Loose sentence structure is ubiquitous. Phonetic misspellings are commonplace, at least in the English-speaking world.*"

For the reasons stated, no better assessment can be made based on the arguments presented.

IV. Conclusion

For the reasons stated above and in accordance with Article 7(1)(b) and Article 7(2) of the EU Trade Mark Regulation, the application for EU trade mark No. 019209642 for all goods is hereby rejected.

According to Article 67 of the EU Regulation, you may appeal this decision. Pursuant to Article 68 of the EU Regulation, the appeal must be lodged in writing with the Office within two months of service of this decision. The appeal must be submitted in the language of the proceedings in which the decision being appealed was issued. The grounds for the appeal must be stated in writing within four months of service of this decision. The appeal is only deemed lodged once the appeal fee of EUR 720 has been paid.



Wolfgang Schramek
Examiner