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Forever 21, Forever Problematic: Forever 21 is Slammed with yet Another “Copycat Design” Trademark Infringement Lawsuit

BY [SHERRY WILSON](#) / ON SEPTEMBER 12, 2015

Adidas recently filed a lawsuit against Forever 21, Inc. and Central Mills, Inc., in which Adidas claims that Forever 21 and Central Mills allegedly infringed Adidas’s famous three-stripe trademark. The lawsuit was filed in federal district court in Portland, Oregon, where the German sportswear giant’s North American headquarters are located.

In a complaint filed on August 17, 2015, Adidas America, Inc., a Delaware corporation, and Adidas AG, a foreign entity, demanded a jury trial in the suit against Forever 21, Inc., a Delaware corporation, and Central Mills, Inc., a New York corporation. Adidas alleged the following claims against Forever 21 and Central Mills: counterfeiting, trademark infringement and dilution, unfair competition, and deceptive trade practices.

In the complaint, Adidas argued that “[d]efendants’ apparel is not manufactured by adidas, nor are Defendants connected or affiliated with, or authorized by, adidas in any way. Defendants’ merchandise is likely to cause confusion, deceive the public regarding its source, and dilute and tarnish the distinctive quality of adidas’s Three-Stripe Mark.”

The complaint provides two images of Forever 21 apparel that Adidas claims are examples of confusingly similar or identical imitations of the Adidas Three-Stripe mark.

In Adidas’s complaint, the company states that it “owns numerous incontestable federal trademark registrations for its Three-Stripe Mark for apparel and footwear, and adidas has invested millions of dollars building its brand in connection with the Three-Stripe Mark.”

Adidas also claimed that Forever 21, as well as retailer Central Mills, “intentionally adopted and used counterfeit and/or confusingly similar imitations of the Three-Stripe Mark knowing that they would mislead and deceive consumers into believing that the apparel was produced, authorized, or licensed by adidas, or that the apparel originated from adidas.”

However, Forever 21 is not a stranger to lawsuits. Forever 21 has a history of being embroiled in a variety of legal controversies. The fashion company has faced trademark lawsuits from other fashion brands that claim that Forever 21 is copying their designs. In fact, Forever 21 is way too familiar with being involved in legal battles. The company has faced lawsuits for employment discrimination and labor violations.

The fashion company has also been the subject of more than 50 copyright lawsuits from prominent designers (including Anna Sui, 3.1 Phillip Lim, Gwen Stefani, and Diane von Furstenberg) for allegedly stealing their designs. Diane von Furstenberg sued the retailer, arguing that Forever 21 copied four of her dresses.

Susan Scafidi, Professor and Academic Director of the Fashion Law Institute at Fordham University School of Law, said that Forever 21's "design is swathed in mystery" and that "it probably looks a bit like a crime scene, with the chalk outlines of the garments they're copying."

So in addition to a jury trial, what does Adidas want from Forever 21? Adidas wants Forever 21 to immediately and permanently end all manufacturing, sourcing, importing, selling, promoting, distributing and marketing of the allegedly infringing garments, and deliver the garments to Adidas so that they can be destroyed. Adidas also seeks damages that could possibly be in the millions of dollars.

It is widely known that Forever 21's powerful legal team is hired by the company to swiftly settle lawsuits similar to Adidas's.

Sherry Wilson is a second-year law student at Benjamin N. Cardozo School of Law and a Staff Editor of the Cardozo Arts & Entertainment Law Journal. She is particularly interested in intellectual property law and administrative law.

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