

ASSOCIATION FOR THE IMMATERIAL PROTECTION OF TERRITORIES, PATRONYMAL NAMES AND THE PRODUCTS AND VALUE WHICH ARE ATTACHED

ASSOCIATION POUR LA DÉFENSE IMMATÉRIELLE DES TERRITOIRES, DES NOMS PATRONYMIQUES ET DES PRODUITS ET VALEURS QUI LEUR SONT ATTACHÉS

RECOGNITION BY THE INPI FOR THE TERRASSON COMTE GERALD DE MONTLEAU COGNAC BRAND.

We were welcomed by Mr Alexis ZAITRA in his offices in PARIS. He gave us good news concerning the intangible defence of names and products, namely that the National Patent Office (INPI), which defends the right of trade marks according to a tradition and principles that developed in France during the French Revolution, and which were given institutional form by the law of 7 January 1791. The law provided for the creation of a patent office, a term deriving from the "Letters Patent", through which the king granted privileges to established corporations. This royal office is now an institution of the French Republic and has just found in favour of a branch of a family that has reigned over the world of Cognac for the past 250 years.

Alexis ZAITRA addressed the INPI in order to call into question the illegal and fraudulent use by third parties of the brand "TERRASSON COMTE de MONTLEAU COGNAC - APPELLATION COGNAC CONTRÔLÉE". Part of this name has been used by the company SAS L&L PARTNERS, which was legally dissolved by a decision of the Angoulême Commercial Court on 21 June 2018. On 21 March 2019, the company's director, Mr Alexandre de LAURIÈRE, transferred the brand "MONTLEAU" to his mother, Mrs DE LAURIÈRE born YSEULT de MONTLEAU, for one euro, despite the curious fact that the brand had never produced or sold any Cognac under this name and despite the untrue statements and allegations contained on the counterfeiters' website: www.cognac-de-montleau.com.

Given the existence of the "TERRASSON de MONTLEAU COGNAC" brand, which has just celebrated its 250th anniversary, the INPI was not misled by these unfair and deliberate manoeuvres, since in a decision dated 15 December 2020, the INPI noted that the brand "de MONTLEAU" had attempted to usurp the name of the genuine brand, which



is known as and marketed under the name "TERRASSON COMTE de MONTLEAU COGNAC - APPELLATION COGNAC CONTRÔLÉE". The INPI could only confirm that the petitioner, Mrs YSEULT de MONTLEAU, was unable to provide evidence that might show that the brand actually existed, or to avoid forfeiting her rights to operate the brand, which led to the rejection of her opposition in application of article

712-5-1 of the intellectual property code. Here we can see what is at stake regarding the intangible defence of names, brands, products and the values associated with them, and the reasons why, above and beyond these events, they must inevitably result in legal action in court in order to punish an infringement which was the subject of an official complaint made to the State Prosecutor and which we will follow closely, while continuing to make every effort to ensure that this legal principle will prevail. The authentic website is at:

www.terrassondemontleau.com

Me Alexis ZAITRA avocat à la Cour à son bureau devant l'arbre généalogique
du Comte TERRASSON Gérald de MONTLEAU