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Dedicated to Jerre B. Swann 1939–2025

In Memoriam: Jerre B. Swann (1939–2025)

William H. Brewster, Theodore H. Davis Jr., and R. Charles Henn Jr.

Should We Worry About Color Depletion? An Empirical Study of USPTO Single-Color Trademark Registrations

Dr. Xiaoren Wang

Multiculturalism, Minority Language Rights, and Trademark Law: Protecting the Less-than-Average Consumer

Ilanah Fhima

Keeping Promises: Enforcement Strategies for Certification Marks in the United States

B. Brett Heavner and Caroline Segers

Commentary: Oh, Snap! A Shift in Consumer Perception Surveys in Genericness Litigations After *Snap Inc. v. Vidal*

David H. Bernstein, Jared I. Kagan, and Daniel N. Cohen

Book Review: *Les grands arrêts du droit vitivinicole*. Sous la direction de Théodore Georgopoulos

Mathilde P. Florenson

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BOOK REVIEW*

By Mathilde P. Florenson**

Les grands arrêts du droit vitivinicole. Sous la direction de Théodore Georgopoulos. 2022. Pp. 636. 53,99 €. Edition Mare & Martin.***

Viti-viniculture encompasses all aspects of the wine-making process—from grapevine growth and cultivation (viticulture) to the art and science of making wine (viniculture) and its trade. In France and most European countries, viti-viniculture is subject to labyrinthine rules and regulations, and an equally complex body of case law. Rulings emanate from various legal bodies, including national and European courts, administrative and judicial courts, trademark offices, competitive authorities, and the like, to create a dense, complicated, and sometimes inconsistent jurisprudence.

Les grands arrêts du droit vitivinicole (or *Landmark Cases in the Field of Viti-viniculture*, as I translate it and subsequently will refer to it in my review) offers a meticulously curated selection of pivotal cases that have shaped the field of viti-viniculture over the years and continue to be relevant for its future. Although it does not encompass all the jurisprudence on the subject—nor could any textbook—it serves as an invaluable resource for students and professionals seeking to understand key decisions and their impact on the wine industry.

The expertise laid out in this book stems from years of research, study, and practical experience. Twenty-seven specialists, including law professors and professionals, contributed to writing it under the editorial supervision of Théodore Georgopoulos—a renowned expert who has been researching and teaching Wine, Spirits & Food Law for decades, including in numerous prestigious schools in France (University of Reims Champagne-Ardenne, Aix-Marseille University and Sciences-Po), the United States (University of California, Berkeley; Harvard University; Stanford University; University of California, Davis; and New York University), and Canada (McGill University), to name a few.

* This book review should be cited as Mathilde P. Florenson, *Book Review: Les grands arrêts du droit vitivinicole, sous la direction de Théodore Georgopoulos*, 115 Trademark Rep. 698 (2025).

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*** This book currently is available only in its original language of French. Ms. Florenson, a native French speaker, read this book in French and then wrote her review of it in English.

Landmark Cases in the Field of Viti-viniculture is divided into thematic sections, each focusing on different aspects of the literal and metaphorical field. Decisions that impact vineyards (e.g., leases, taxes, etc.) are examined in one section. Sections featuring seminal cases affecting the wine itself (e.g., flavors, additives, alcohol content, etc.), its packaging (e.g., labels, trade dress, etc.) and commercialization (e.g., purchasing contracts, shipping regulation, etc.) follow.

An entire section is dedicated to foundational cases on geographical indications. It covers the French Supreme Court's famous ruling allowing use of the term "Champagne" in advertising for CHAMPOMY sparkling apple juice, the reasoning being that after two decades of use, the CHAMPOMY mark had established its own distinct identity associated with children's parties, and determining that confusion with the protected designation was no longer likely.¹ The authors also discuss *CIVC v. Aldi Sud Dienstleistungs-GmbH*,² where the Court of Justice of the European Union ("CJEU") held that "champagne sorbet" did not infringe on the CHAMPAGNE designation, since one of its essential characteristics was a taste attributable primarily to the presence of Champagne wine in its ingredients. Important cases on other geographical indications are also explored, such as the CJEU's ruling explaining that the average European consumer must think directly of "Scotch Whisky" when confronted with the German whisky GLEN BUCHENBACH; it is not sufficient for the disputed mark to evoke some vague association with the protected geographical indication.³

The textbook also delves into major rulings that are not explicitly about wine or spirits but have, nonetheless, impacted the field of viti-viniculture. For instance, the authors meticulously analyze the *Coty Germany GmbH v. Parfümerie Akzente GmbH*⁴ case, in which the CJEU ruled that suppliers of luxury goods may prohibit retailers from selling their products on third-party online marketplaces, concentrating their focus on the court's interpretation of "luxury goods" and assessing its impact on luxury wine suppliers. The textbook also does not limit its range to cases originating from French and EU courts and authorities. Indeed, it ends with a comparative study of the U.S. Supreme Court's notable *Granholm v. Heald*⁵ case, which established that states may not

¹ Cass. com., Jul. 7, 2009, No. 08-10.817.

² Case C-393/16, Comité Interprofessionnel du Vin de Champagne v. Aldi Sud Dienstleistungs-GmbH, 2017 ECLI:EU:2017:991.

³ Case C-44/17, Scotch Whisky Association v. Michael Klotz, 2018 ECLI:EI:C:2018:415.

⁴ Case C-230/16, Coty Germany GmbH v. Parfümerie Akzente GmbH, 2017 ECLI:EU:C:2017:941.

⁵ 544 U.S. 460 (2005).

ban, or severely restrict, the direct shipment of wine by out-of-state wineries to consumers while simultaneously allowing shipment by in-state wineries.

Its scholarly approach, meticulous research, and insightful analysis make *Landmark Cases in the Field of Viti-viniculture* an essential read for students, legal professionals, and wine professionals seeking to deepen their understanding of the legal landscape of viti-viniculture. However, the book's current availability in French only is a significant limitation. English-speaking students and professionals would benefit immensely from having access to this wealth of knowledge and perspective.
