

## **Rubik's Cube shape is not a trademark, EU rules**

The makers of the notorious Rubik's Cube, the multicoloured puzzle that's kept small and big hands busy since the 1970s, have lost a key trademark battle after the European court of Justice (ECJ) said the toy's shape alone was not sufficient to grant it protection against copycats.

The 3D brainteaser invented in 1974 by Hungarian Erno Rubik is popular among young and old, with more than 350m cubes sold worldwide. Its popularity has endured thanks to so-called speed cubing where competitors race to solve the puzzle.

British company Seven Towers, which manages Rubik's Cube intellectual property rights, registered its shape as a trademark in in the 1990s. However, the German firm Simba Toys challenged the trademark protection in 2006, claiming the cube's rotating capability should be protected by a patent, not a trademark.

The European Court of Justice (ECJ) agreed that trademark representing the shape of the Rubik's Cube was invalid.

Patents allow inventors to block rivals from making commercial use of their inventions without their approval for a certain period of time while trademarks give intellectual property owners an exclusive and perpetual right to their designs, logos, phrases or words as long as they use them. This means the game's various licensed manufacturers could now face competition from mass-produced, cheaper imitations.

Alex Brodie, a partner with international lawyers Gowling WLG, said: "Simba Toys have been successful in getting rid of Rubik's 3D cube trademark. This judgment underlines the law that trademark registrations should not be used to obtain an eternal monopoly on technical solutions or functional characteristics of products – that protection is something that may be covered by other rights such as patent law.