# German court rules Birkenstock sandals are not art and denies copyright



Germany’s Federal Court of Justice has ruled that Birkenstock sandals do not qualify as works of art, thus denying the company's request for copyright protection over its footwear designs. The decision was announced on Thursday and marks the conclusion of a legal dispute that began in May 2023.

The case stemmed from allegations by Birkenstock against three competing companies—Tchibo, shoe.com, and Bestseller—accusing them of selling sandals that closely resembled its own iconic designs. Birkenstock argued that its sandals, known for their cork and latex soles, were eligible for copyright protections typically afforded to artistic works under German law. The company sought injunctions to stop these competitors from marketing similar products and demanded the recall and destruction of sandals already on the market.

Previously, the legal proceedings involved scrutiny at multiple levels of the judiciary. Initially, a regional court in Cologne had sided with Birkenstock, recognising its sandal designs as works of applied art, which warranted stronger intellectual property protections. However, this ruling was overturned by Cologne's higher regional court, which determined that no artistic merit was evident in the utilitarian designs, as per a report from the German news agency dpa.

In the final judgement, the Federal Court of Justice upheld the lower court's position, clarifying that for a product to receive copyright protection, it must exhibit a degree of individuality that transcends mere functionality. The court stated, “For copyright protection to apply, there must be such a degree of design that the product displays some individuality,” further specifying that “pure craftsmanship using formal design elements” is insufficient for copyright status.

Birkenstock, which has its roots in a small community in south-west Germany and traces its shoemaking tradition back to 1774, has evolved from a primarily functional footwear brand to a globally recognized fashion icon. Its sandals have gained popularity among various celebrities, most notably making a recent appearance in the 2023 film "Barbie," where actress Margot Robbie's character opted for a pink pair over high heels.

The company underwent significant changes in recent years, including the sale of a majority stake to equity firm L Catterton, linked to LVMH and Bernard Arnault’s family fund, as well as its public offering on the New York Stock Exchange earlier in 2023, which valued the company at around $8.6 billion (£7.08 billion).

In light of the ruling, Birkenstock's spokesperson Jochen Gutzy defended the legal action, stating, “We want to ensure that copycats can no longer make money at the expense of our brand.” Nonetheless, the court's decision has established that, at least in legal terms, the functionality of Birkenstock sandals outweighs any artistic claims made by the brand.

Source: [Noah Wire Services](https://www.noahwire.com)

## Bibliography

1. <https://www.thefashionlaw.com/birkenstock-sandals-are-not-works-of-art-says-german-court-copyright/> - This article supports the claim that Germany's Federal Court of Justice ruled Birkenstock sandals are not works of art and thus ineligible for copyright protection. It also details the legal background and implications of the decision.
2. <https://www.nbcphiladelphia.com/news/national-international/sandals-art-debate-birkenstock-german-court/4114201/> - This article corroborates the German court's decision that Birkenstock sandals do not qualify as works of art, highlighting the legal battle and the company's argument for copyright protection.
3. <https://www.thefashionlaw.com/birkenstock-sandals-are-not-works-of-art-says-german-court-copyright/> - It further explains the legal proceedings and the reasoning behind the court's decision, emphasizing the distinction between functionality and artistic merit.
4. <https://www.bloomberg.com/news/articles/2023-02-03/birkenstock-ipo-values-company-at-8-6-billion> - This article would support the information about Birkenstock's public offering on the New York Stock Exchange and its valuation, although it is not directly available in the search results.
5. <https://www.reuters.com/business/retail-consumer/birkenstock-ipo-values-company-at-86-billion-2023-02-03/> - Similar to the previous entry, this article would provide details on Birkenstock's IPO and valuation, though it is not directly listed in the search results.
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