

Press Release

NOBILIS GROUP secures landmark decision: Major success in the fight against perfume "dupe" supplier ÉCLAT

German Federal Court of Justice (BGH) rejects appeal against successful ruling of the Berlin Court of Appeal and strengthens trademark and consumer rights: Suppliers are also liable for customer reviews

Wiesbaden, May 2025 – The NOBILIS GROUP, the leading independent and owner-managed beauty distributor and service partner in the DACH region, has achieved a landmark legal victory in its fight against trademark infringements by so-called "dupe" suppliers: On April 24, 2025, the German Federal Court of Justice (BGH) rejected the non-admission appeal filed by ÉCLAT GmbH against a ruling by the Berlin Court of Appeal (Case No.: I ZR 137/24). The decision of July 10, 2024 (Case No.: 5 U 23/21) is therefore final and legally binding and establishes clear boundaries regarding advertising with imitation fragrances – in particular through customer reviews.

The NOBILIS GROUP's long-term and uncompromising commitment to trademark protection is paying off: Anyone seeking to benefit from the reputation of established brands without investing in quality and brand building will face determined resistance – with clear legal consequences.

The business model of so-called dupe suppliers is based on copying successful brand concepts that have often been built up over decades and flooding the market with fake brands. Their brazen strategy: comparing their imitations directly with the originals in stores and online shops to exploit the image and perceived quality of premium brands. A full-blown fake industry has emerged, causing damages in the fragrance sector, amounting to hundreds of millions of euros annually in Germany.

For years, the NOBILIS GROUP, together with the law firm Lubberger Lehment Rechtsanwälte Partnerschaft mbB, has consistently pursued legal action against suppliers that exploit the reputation of strong brands through fragrance imitations and misleading advertising, thereby damaging brand equity.

This latest ruling sends a strong stop signal to the industry: For the first time, a major dupe provider – ÉCLAT – has been legally prohibited from marketing its imitation fragrances using manipulative customer reviews. These reviews conveyed – sometimes explicitly, sometimes implicitly – the impression that the products were legitimate alternatives to well-known luxury brands. The attempt to hide behind statements made by third parties has failed.

“An entire industry with hundreds of thousands of jobs is under illegal attack,” explains Matthias Mennekes, CFO NOBILIS GROUP. “These suppliers don’t just fake fragrances – they strategically use customer reviews to draw comparisons with original brands. The excuse that such misleading claims come from customers has been rejected by the courts: Anyone who spreads fakes remains responsible, even if they let others do the talking. This ruling sends an important signal to the entire industry and the retail: The hiding behind customers is illegal”

No more excuses: Court establishes clear liability for misleading customer reviews

While dupe providers benefit from clear imitation claims in customer reviews, they typically deny any responsibility for those claims. Their common argument: they are not liable for third-party statements. Customer reviews, they argue, are protected as free expression of opinion.

The court disagreed. Dupe providers are liable for customer reviews if – in the context of their offering – those reviews clearly reference imitations of well-known branded perfumes. It is irrelevant whether this reference is overt or subtle. What matters is whether the average consumer perceives a connection between the dupe and the original – for example, through phrases such as “smells like XY.”

This tactic is widespread in the dupe market, which has increasingly relied on comparison lists, imitation terms, and now, customer reviews to push boundaries. The ruling makes clear: this method of gaining an unfair competitive advantage cannot withstand legal scrutiny.

By prevailing against ÉCLAT, the NOBILIS GROUP has not only succeeded after a six-year legal battle but also achieved a fundamental clarification on the legality of advertising via customer statements.

“Trademark protection is our highest priority,” emphasizes Udo Heuser, CEO | Managing Partner NOBILIS GROUP. “For years, we have invested strategically in building our brands – with quality, integrity, and a long-term vision. Free riders seeking to profit quickly from others’ work will continue to face our determined opposition.”

No more grey zones: The market must choose a side

The ruling strengthens not only the position of the NOBILIS GROUP, but also its exclusive brand partners and the entire fragrance sector. It sends a clear message: even in the digital sphere, there are strict boundaries – and those who cross them will face consequences.

What dupe providers are doing is no misdemeanor. This ruling makes one thing clear: there is no middle ground. Anyone who tolerates, promotes, or distributes such imitations positions themselves against the core values of the fragrance industry – against creativity, quality, and trademark protection. The market must now decide where it stands: with the culture of fragrance, brand diversity, and the legitimate industry – or with counterfeiters, freeloaders, and violators of the law.

NOBILIS GROUP continues legal action across the market

The NOBILIS GROUP is currently pursuing additional legal proceedings against market participants who infringe upon brand rights and threaten fair competition. And it will continue to act with legal resolve and persistence against any form of unfair fragrance imitation advertising.

“We do not tolerate any form of brand exploitation,” stresses Udo Heuser, CEO | Managing Partner NOBILIS GROUP. “This ruling is another important milestone in the fight against dupe providers – a fight we will continue consistently and uncompromisingly.”

About the NOBILIS GROUP:

The NOBILIS GROUP, the leading, independent and owner-managed beauty distributor in the DACH region, has stood for quality, innovation and sustainable value creation in the beauty industry for over 30 years. The company's core competence lies in the development of strategic partnerships, customized solutions, outstanding industry expertise and excellent relationship management. The corporate culture of the NOBILIS GROUP is characterized by a strong employee focus and actively supports innovative and entrepreneurial action, in the conviction that committed and satisfied employees are the key to success. The NOBILIS GROUP focuses on future-oriented growth in all segments and also enjoys an excellent international reputation. With an impressive track record, the company is shaping the beauty industry as an important driving force in the market in line with its guiding principle: NOBILIS GROUP - WE MAKE BEAUTY PERFORM

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