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Oltrona San Mamette, 24 December 2022

ALL COMEDY

“We were (and have been) right since 1996!!” *

PROLOGUE

In 1996 Ferrari warned Brumm against the production and marketing of its model cars as constituting *"acts of counterfeiting-usurpation of trademarks and unfair competition"*, with the threat of *"promoting those legal actions which could guarantee the complete protection of its rights, as well as the full compensation for damages"*. Brumm clarifies his position by denying any wrongdoing.

Between June and August 2000, Ferrari ordered Hamleys of London, the well-known toy shop, and the Brumm distributor in Great Britain to immediately withdraw the Brumm model cars from the market due to trademark damage and unfair competition, under penalty of severe legal action.

ACT I – the Court of Modena

In September 2000, Brumm takes Ferrari to court, asking the Court of Modena to ascertain that Brumm's activity does not constitute an infringement of Ferrari's trademarks or unfair competition, and to order Ferrari to pay damages.

In October 2010 the Court of Modena establishes *“Brumm car models reproduce in the smallest detail, in 1/43 scale, real cars, in their original colours and, as far as sports cars are concerned, with the trademark of the manufacturer, the race number and the names of the sponsors and drivers. The average consumer of this product, normally informed and reasonably careful and shrewd, expects the models to follow real examples and attributes great importance to their being absolutely faithful to the original, so that said consumer will interpret the logo of the Prancing Horse of Ferrari, appearing on the Brumm model car, only as an indication of a descriptive detail, the same as the original, confirming that the car is, in reduced scale, a faithful and complete reproduction of a FERRARI car. In fact, it is not unimaginable that a shrewd, average consumer, with an illogical and unjustified deductive procedure, could perceive the Prancing Horse logo affixed to the model car sold by Brumm as an indication of the fact that such a product comes from FERRARI, the manufacturer of the original car, or from a company economically connected to the latter.”*... *“The presence also of the FERRARI logo on the box can have no other meaning than that of indicating the presence of a miniature model of a FERRARI car inside the box.”* The court therefore sentenced Ferrari *"to pay damages to the extent of €20,000.00"*.

ACT II: the Court of Appeal of Bologna

In November 2016, the second instance sentence rejected Ferrari's appeal and, in partial acceptance of Brumm's cross-appeal, ordered Ferrari to compensate another €25.923,52.

ACT III: the Cassation

On 25 January 2022, the United Sections of the Supreme Court sanctioned the Italian jurisdiction, contested by Ferrari. On the following 7 July, the First Section rejected in full the appeal filed by Ferrari against the sentence of the Court of Appeal of Bologna, ordering the appellant to pay the costs of the litigation.

EPILOGUE

Brumm is an ITALIAN company that has been producing its model cars entirely in ITALY since 1972. Brumm is still available, as it has ALWAYS been, to collaborate with Ferrari, undisputed and indisputable ITALIAN excellence.

* Lawyer Luca Migliavacca