Insights: News

# Sindy Ding-Voorhees Quoted in Vogue Business Article, "What are Chanel and Breitling Fighting Over?"

June 9, 2026

**Sindy Ding-Voorhees**, Co-Leader of our US-based China Brands Team, has been quoted in the *Vogue Business* article, "What are Chanel and Breitling Fighting Over?"

Regarding the core legal issue of this dispute, Sindy Ding-Voorhees, partner at the U.S. law firm Kilpatrick Townsend & Stockton LLP and co-chair of the New York City Bar Association's Fashion Law Committee, told VOGUE Business that the case ultimately returns to a very fundamental question: who was the first to use the name, and who never gave up using it.

"Under the U.S. trademark law system, trademark rights come from actual use, not from brand stories or historical narratives." She pointed out that if a company wishes to establish a protected trademark right, it must prove that it has consistently used the relevant name for a specific product in its business activities and has never abandoned the use of the trademark.

Sindy Ding-Voorhees believes this is precisely the core of the current dispute between Chanel and Breitling. Since launching the Première series in 1987, Chanel has consistently used the name in products, advertising, and retail channels, while Breitling, although tracing the Premier collection back to the 1940s, if it had long stopped using the name in the U.S. market, it could face "abandonment" issues, weakening its basis for asserting prior rights.

"Brand history is certainly an important marketing asset, but the Trademark Law does not protect historical inheritance itself, but rather the ongoing commercial use behavior." Sindy Ding-Voorhees further pointed out.

Read the full article.

## Related People

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