

The company LEKIOSQUE.FR has been convicted of counterfeiting the "MONKIOSQUE" trademark belonging to the company TOUTABO

Paris, March 9, 2020 - In the long legal soap opera that began on December 24, 2012, TOUTABO (FR0010621722 – MLABO) has just won another victory, the Paris Judicial Court having convicted the company LEKIOSQUE.FR for counterfeiting the "Monkiosque" trademark owned by the company TOUTABO SA.

For the record, the company LEKIOSQUE.FR, which now presents itself under the sign Cafeyn by LeKiosk, had attempted to register with EUIPO the "LEKIOSK" brands in January 2012.

TOUTABO SA had objected to these applications for registration in defence of its trademark Monkiosque.fr/Monkiosque.net filed, registered and renewed since May 29, 2006.

The company LEKIOSQUE.FR then summoned TOUTABO on 24 December 2012 to the Paris Judicial Court, finding that the latter was committing acts of infringement by exploiting the "MONKIOSQUE.FR MONKIOSQUE.NET" and "MONKIOSQUE" trademarks.

A long legal battle ensued, which led to a series of decisions:

- Judgment of the Paris Judicial Court of 13/03/2015: the company LEKIOSQUE.FR had its application for the forfeiture of the "MONKIOSQUE.FR MONKIOSQUE.NET" trademark rejected regarding newspaper subscription services and newspaper distribution services (its claims being also accepted regarding other products and services subject to filing), the judgment devoting the previous year, the use and distinctness of the ALLABO brand in relation to the "lekiosk" brand([link to decision complete](#));
- Paris Court ruling of 17/02/2017: the company LEKIOSQUE.FR, after appealing the decision of the first judges, had its applications rejected by the Paris Court of Appeal. The Court considered that the judgment should be upheld in that it had rejected the requests for the forfeiture of the "MONKIOSQUE.FR MONKIOSQUE.NET" trademark for newspaper subscription and newspaper distribution services, considering that there was also no forfeiture for electronic publishing services of online periodicals([link to full decision](#));
- Judgment of the Court of Cassation of 12/12/2018: the company LEKIOSQUE.FR brought the case to cassation and had its appeal rejected entirely by the Court of Cassation([link to full decision](#));
- EUIPO decision of 13/03/2019: LEKIOSQUE.FR company has had its applications for the registration of LEKIOSK verbal and semi-figurative COMMUNITY trademarks rejected by the European Union Intellectual Property Office (EUIPO) on 13 March 2019 ([link to full decisions](#)).

On 7 February 2020, the Judicial Court of Paris, asked to rule on the consequences, particularly in terms of infringement, unfair competition and compensation, of the previous decisions mentioned above, ([link to full decision](#)):

- states that by using the verbal and semi-figurative "lekiosk" sign as a trademark and trade name, the LEKIOSQUE.FR company committed acts of infringement of the "MONKIOSQUE.FR MONKIOSQUE.NET" and "MONKIOSQUE" trademarks belonging to the company TOUTABO
- ordered the company LEKIOSQUE.FR to pay TOUTABO the sum of 750,000 euros in compensation for the damage resulting from the infringement and 10,000 euros in compensation for its moral damage
- prohibited the company LEKIOSQUE.FR to make use of the verbal and semi-figurative "lekiosk" signs under a penalty of 500 euros per day of delay and by violation, passed the 30-day period after the decision was served (to download the full decision, [click here](#))
- ordered the company LEKIOSQUE.FR to transfer to THE company TOUTABO, once the decision has become final, the domain names "lekiosque.fr," "lekiosk.fr" and "lekiosk.net" under a penalty of 500 euros per day of delay, passed a 30-day period after the decision is served (to download the full decision, [click here](#))
- declared the forfeiture of the "MONKIOSQUE" trademark rights for classes 38 and 41 and confirmed the validity of the trademark for Class 35 products including digital publishing and subscription services to online or physical newspapers
- said that TOUTABO, in e-mailing customers of the LEKIOSQUE.FR company, committed acts of denigration but considered that no harm resulted from it and exempted TOUTABO from any such conviction
- ordered the company LEKIOSQUE.FR to pay ALLABO the sum of 15,000 euros under Article 700 of the Code of Civil Procedure, as well as the costs of the proceedings.

The decision is not final at this stage as it can still be appealed.

The company LEKIOSQUE.FR recently opted for a new brand (CAFEYN) and communicates widely under the expression "CAFEYN by LEKIOSK".

About TOUTABO – Your Magazine Subscription Center - www.toutabo.com – www.epresse.fr :

TOUTABO was created in February 2005 with the goal of being a key actor in the consumer loyalty programs based on the sale of magazine subscriptions.

The company is the editor of the internet sites www.toutabo.com for its subscription offer (over 1000 titles sold by subscription and over 4000 titles sold by the issue) and www.monkiosque.fr for its digital press offer.

The activities of the kiosk ePresse created in 2012 by Le Figaro, Les Échos, L'Equipe, Le Parisien and Liberation L'Express , L'Observateur and Le Point , were acquired in July 2015 by Toutabo .

The ePresse kiosk distributes the French press in digital format on all media (computer, smartphone, tablet). With over 1000 titles including most of the national and regional French newspapers, the kiosk ePresse managed to take over 15% market share in less than 3 years (according to a survey conducted by the ACPM)

The trademarks “Toutabo”, “Inter-Magazines”, “Monkiosque.fr” and “PressedeFrance” are trademarks property of the Toutabo Company, registered with the INPI

The company is listed on EURONEXT ACCESS Paris, Code ISIN: FR0010621722 - Mnemonic code MLABO

It is reminded that the direct or indirect sale to the public of financial instruments giving access to the equity shares of TOUTABO is limited to qualified Investors (art 411-2 of the French financial monetary code).

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