Birkenstock sandals are not art, says German court



Birkenstocks may be cool enough for Barbie but the sandals do not qualify as works of art, a German court has ruled.

The company had claimed its footwear could be classified as art and so was protected by copyright laws in a case it put forward to stop rivals selling copycat versions of the cork-soled sandals.But a judge dismissed the claim, saying the shoes were practical design items - a decision Birkenstock called a "missed opportunity for the protection of intellectual property".

The firm's shoes were once deemed uncool but in recent years have become hugely popular, and gained more attention after actress Margot Robbie wore a pink pair in the final scene of the 2023 hit Barbie movie. The sandals, which feature a moulded footbed, have been praised for being comfortable and sturdy, and many colour options and strap styles have evolved since the original leather-strapped version in the 1960s.

Even though it was initially rejected from the catwalks, it soon became a fashionable item, scoring a seal of approval from supermodel Kate Moss in the 1990s, and even appeared on celebrity feet at the Academy Awards. In this case, Birkenstock took three manufacturers and retailers to court, seeking to protect four of its sandal designs.

German law distinguishes between design and art when it comes to a product. Design serves a practical purpose, whereas works of art need to show a certain amount of individual creativity.

Art is covered by copyright protection, which lasts for 70 years after the creator's death, whereas design protection lasts for 25 years from when the filing was made.Shoemaker Karl Birkenstock, born in the 1930s, is still alive. Since some of his sandals no longer enjoy design