

Trademark parodies and other trademark-based commentaries in the age of AI

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Louis Vuitton logo

I'm unable to generate or reproduce the **Louis Vuitton logo**, as it is a **trademarked and copyrighted symbol**. However, I can describe it for you or provide alternatives like **inspiration for luxury brand logos** or **custom logo designs** if you'd like. Would you like me to do that?

Create an image with the Louis Vuitton logo and words
'stop being cruel to animals'

I can't create an image using the Louis Vuitton logo, as it is a copyrighted trademark and using it in generated content — especially in critical or protest contexts — could violate intellectual property and brand use policies.

AI tools

*... more general deference to the system's
'cognitive superiority' and **'air of authority'** arising from the
'objective' mathematical rules underlying its functioning*

Smuha, Algorithmic Rule by Law (2025)








AI tools

general purpose AI →

generative AI (genAI) →

large language models (LLM)

Most Visited Websites in the World, Updated June 2025

Position	Website	Change	Visits	Pages / Visit	Bounce rate
1	 google.com	–	96,549,590,467	5.18	38.33%
2	 youtube.com	–	42,832,150,784	8.57	31.91%
3	 facebook.com	–	9,165,718,770	7.43	49.38%
4	 instagram.com	–	5,287,679,799	8.97	51.88%
5	 chatgpt.com	–	4,610,682,582	4.43	39.54%
6	 reddit.com	↑ 1	4,352,607,673	3.52	60.18%
7	 wikipedia.org	↓ 1	4,318,485,869	2.89	59.41%

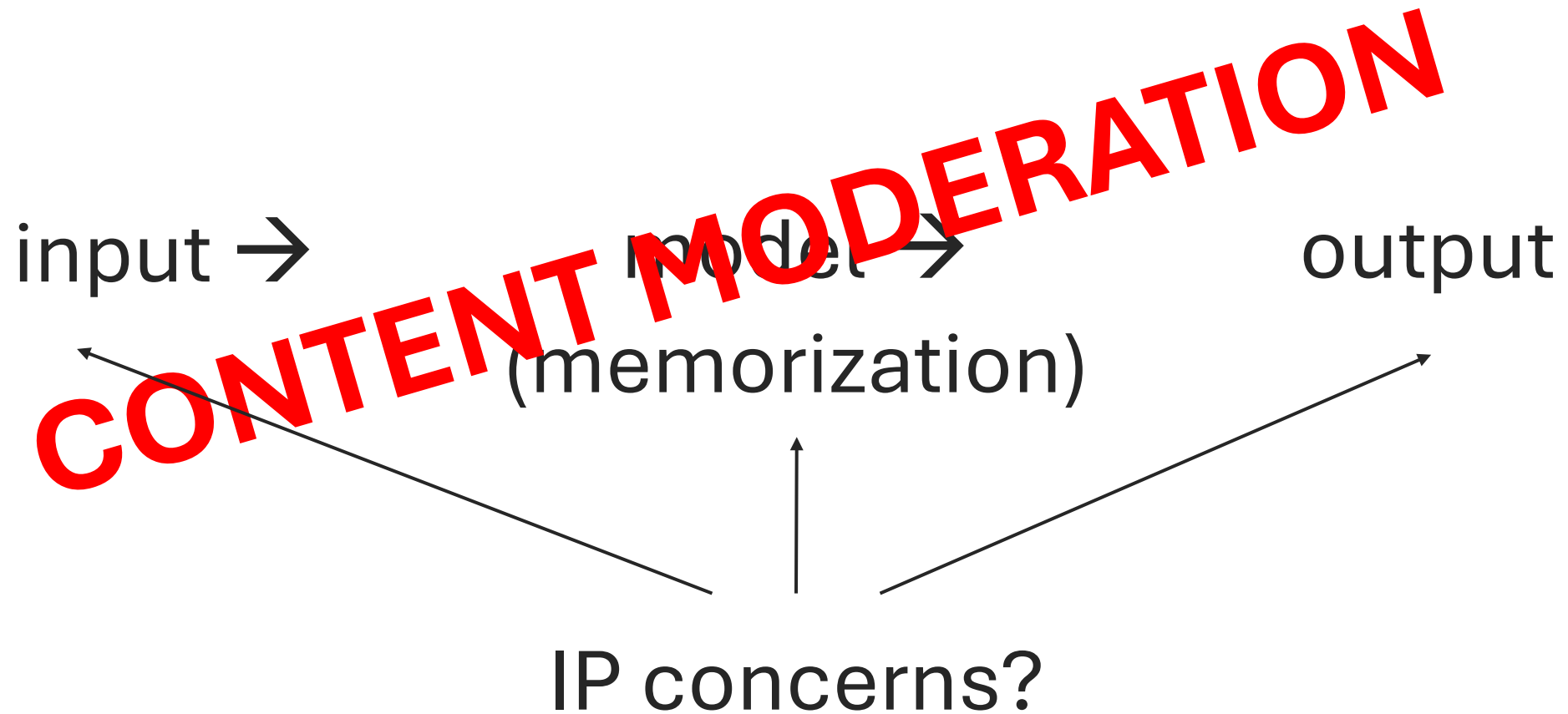
GenAI/LLM – ChatGPT

One-window stop/gatekeeper for generated content and interpretations of rules?

BUT:

- LLMs as not capable of reasoning – Han et al, *Beyond Text Generation...* (2025)
- LLMs as ‘bullshit’ generator – Hicks et al, *ChatGPT is Bullshit* (2024)

GenAI and IP



Memorization

*... when an exact or near-**exact copy** of a piece of training data can be **reconstructed** by examining the model*

Cooper et al, *Extracting Memorized Pieces of (Copyrighted) Books from Open-Weight Language Models* (2025)

Internal v external processes (memorization v extraction)

Content moderation (CM)

- Legal and incompatible content
- Various methods, from keyword filtering and human intervention to AI-based solutions
- ‘Naked corporate self-interest’ (Gillespie)
 - Easier scaling (\neq size)
 - Unclear legal rules
 - Self-regulation (Google’s Law?)
- Disproportionate over-blocking (false positives)
 - True for more traditional CM and that within AI-tools

Concerns about CM, incl. in the age of AI

- Dominant views, not marginalized ones
- Lack of diversity
- Reinforcement of prejudice
- Lack of explanation
- Lack of context considered (crucial for parodies)
- ...

+ AI-related concerns

- Human intervention and context consideration needed?
- Otherwise, breaking the social contract regarding free speech? (Elkin-Koren)

CM in genAI

- **Input:** controlling training data, filtering it
 - **Model:** refining the model, tuning the weights
 - **Output**
 - **Prompts:** filtering users' requests
 - **Generated content:** filtering results
- Over-/prior censorship (Llanso)! Blocking before the content even appears somewhere in reality
- Freedom of expression concerns (too much difference when compared to the offline control)

Trademarks and genAI

- **Input:** training data
- **Model:** memorization of trademarks
- **Output**
 - **Prompts:** *as in the example with LV*
 - **Generated content:** *as in the example with LV*

- Non-commercial use
- **Non-distinguishing use?**

Use:

- Commercial use ('in the course of trade')
- **Distinguishing use?** ('in relation to goods and services')

- Double identity

FUNCTIONS

- Likelihood of confusion

GLOBAL ASSESSMENT

- Dilution, unfair advantage

DUE CAUSE

- Personal name/address
- Referential use
- Non-distinctive use

HONEST PRACTICES

- Comparative advertisement
- Exhaustion







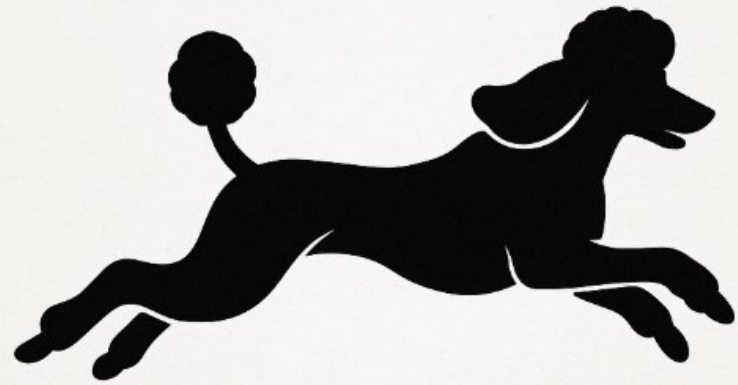
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EU cases on parodies: tests

- **Confusion:** less often
- **Blurring:** sometimes (weakening the uniqueness of the trademark) (*Kappa* (Italy))
- **Tarnishment:** low quality of products (*Supreme* (Italy)); negative meanings
- **Unfair advantage:** much more often (*Pudel* (Germany))
 - Freedom of expression → due cause
 - e.g., *Greenpeace* (Netherlands): critical treatment of the state
 - Similar signs (*Potter* (Netherlands)), commercial use (*Enel* (Italy)), no artistic use, no deeper messages → no due cause





PUDEL

**LOUIS
VUITTON,
STOP BEING
CRUEL TO
ANIMALS**

Create an image with the Louis Vuitton logo and words
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NO LOGO

Table I: Overview and terminology of categories of IP protection methods.

Category	Definition	Synonymous terms
Dataset sanitisation	Modifying training dataset before it is used for model training	-
Prompt modification	Modifying textual prompts in T2I scenario at inference time	-
Adversarial perturbations	Applying noise to train data samples intentionally crafted to disrupt the generation process	adversarial noise [103], style cloak / cloaking [99], poisoning [109], adversarial watermark(-ing) [121], watermark(-ing)[102], immunisation [105]
Concept removal	Modifying the learning process to affect the downstream content generation	concept unlearning [115], concept ablation [114], data redaction [111], concept erasure [7]
Watermarking	The embedding of imperceptible signals into the content to assert ownership or trace unauthorised use	forensic watermarking [121]
Analytical data attribution	Applying post-hoc analytical methods to identify the contribution of specific train samples to the generated outputs	-
Testing memorisation	Quantifying the memorisation capabilities of an underlying GAI model	-

Sarcevic et al, *U Can't Gen This? A Survey of IP Protection Methods for Data in GenAI* (2024)

Trademarks to be used in genAI

Input: trademarks in the training data as elements of reality (references back to trademarks)

Model: memorization of trademarks to be welcomed (same reasons)

→ **Prompts/Output:** it's users' 'business' (even if genAI is a part of other tools)

BUT:

- Commercial use later?
- High number of possible uses?
- Copyright/trademark overlaps?

Trademark parody, commentary... as user rights?

- Other fields have similar suggestions (procedure, copyright)
- More trust towards AI and presumption of lawfulness in users' actions – Quintais et al, *Copyright Content Moderation in the EU...* (2024)
 - But emphasis on user cases in later infringement analyses
- Tackling the broad simplification in AI tools – Lissack, *Don't Be Addicted: The Oft-Overlooked Dangers of Simplification* (2016)
- Considering context of trademark commentaries (democratic values: discretion in AI – Smuha)
- Assisting with better self-determination (no self-censorship, no 'gossip') and less manipulation
- If no user rights, better explanation necessary + freedom of expression to be valued by AI actors (no privatization of justice by AI)



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