



# Smell rights

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**Smell rights** are claims of ownership to particular smells. These rights can include copyright or [non-conventional trademark](#).

In France, the scent of a perfume is not eligible for copyright.<sup>[1]</sup>

In 2006, a Dutch court ruled that a perfume could have a copyright.<sup>[2][3][4]</sup> The case was a claim of French cosmetics company, [Lancôme](#), on the property of the scent of its perfume *Trésor* against the version of such fragrance done by the Dutch firm Kecofa.<sup>[2]</sup> The Dutch High court granted the protection given that scent as long as it is perceptible and original.<sup>[2]</sup>

Legal commentators have described possible systems for trademarking scents.<sup>[5]</sup> [WIPO](#) has collected information on the use of registration of the such called "Olfactory marks" as a tendency among national offices of trademark.<sup>[6]</sup>

In the United States, [Hasbro](#) has a trademark for the smell of [Play-Doh](#).<sup>[7]</sup>

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