

Fashion, Luxury & Retail

Fashion, Luxury & Retail – Protecting Brands and Customer Relationships

For manufacturers and sellers of fashion, luxury, and retail products, intellectual property — including brands, trademarks, copyrights, and patents — is an essential element of a successful business model. In an era of increased global competition and consolidation, constantly shifting import/export and trade policies, and the growing threats of trade secret loss and counterfeit and grey market goods, companies must balance the tension between preserving iconic product qualities and customer demands for new and innovative offerings.

At Marshall, Gerstein & Borun, we recognize that industry size provides no guarantee of business security. While the global value of the fashion, luxury, and retail sectors have remained steady, sales growth and profit margins have begun to stagnate. New technologies and digital innovation are key to supply-chain efficiency, lower procurement costs, and enhancement of sourcing opportunities, all of which support new entrants to the market and increase competitive pressure on established brands.

To help Fortune 500 corporations, privately held companies, and individual designers protect and maximize their brands, we draw on our considerable experience in all areas of intellectual property law, including trademarks, copyrights, industrial designs, trade secrets, and patents. We offer the best of all worlds: the focused guidance found in a midsize IP firm; sophisticated solutions delivered cost-effectively; and the international perspective and global resources of a long-established, industry-connected legal services provider.

Effective legal counsel across the product — and business — lifecycles

We partner with our clients to better understand their current needs and long-term strategies, from developing new products and brands, to entering new markets or expanding existing market share. We understand the unique IP issues that arise at each step of the product development, manufacturing, and sales processes, and develop cross-border legal solutions and protections for creative assets and proprietary information.

Our process is straightforward: To start, we focus on identifying and protecting our clients' brand assets. As companies pursue new opportunities, we provide strategic counsel in the areas of product development, marketing, branding, and licensing. When disputes arise, we work with clients to resolve issues through legally guided, business-focused negotiations. And, if litigation is required, we draw on our attorneys' formidable experience to act swiftly and assertively in defense of our clients' rights.

Full-spectrum IP counsel

Together with our network of foreign counsel and agents, we advise clients worldwide on the entire range of IP issues affecting the fashion, luxury, and retail industries, including:

- Advertising, marketing, promotions, and social-media strategy
- Brand development and protection, including trademarks, logos, slogans, personal names, and business reputations
- Copyright protection, including defending against claims and pursuing infringers
- Counterfeit products, gray-market goods, and knockoffs
- Data protection and online privacy
- Design patents

- Domain names and e-commerce
- IP aspects of mergers, acquisitions, joint ventures, and other strategic business relationships
- IP enforcement and litigation
- IP portfolio management
- Licensing agreements
- Manufacturing and outsourcing agreements
- Online privacy
- Strategic patent prosecution and opinions
- Trademark protection, counseling, and infringement

Clients from across the industry

We have experience representing a broad range of clients operating at every step in the supply chain, from individual fashion designers and design houses, to multinational distributors, resellers, and retailers. Our clients' products include:

- Apparel
- Athletic wear
- Automotive and transportation
- Beer, wine, and spirits
- Cosmetics
- Crystal, gemstone, and precious-metal accessories
- Eyeglasses and sunglasses
- Fabrics, textiles, and wearable technologies
- Fine art
- Food and beverage
- Footwear
- Fragrances
- Hospitality
- Jewelry and watches
- Luggage and leather goods
- Travel