

Principles of Fashion Law Practice

Ketenci&Ketenci serves as a fashion counsel for its clients in order to protect their rights under their respective contracts and develop their businesses in Turkey and Europe.

Fashion law is an emerging law practice, and it rapidly grows as a special field of law which deals with the intellectual property matters, labour law, licensing, textiles, merchandising as well as the import/export side of customs.

A lawyer dealing fashion law related matters negotiates the best deals for his/her clients. Large retail chains, haute couture (exclusive custom-fitted clothing) brands, high-fashion models, fashion houses, any kind of agencies related to the fashion industry are amongst the clients of this area. Other than negotiating and making deals, attorneys would also litigate for his or her clients before the courts when it is necessary.

Such broad definition of the work includes all but cannot be limited to the branding, protection, and enforcement of intellectual property rights such as licensing, manufacturing, distribution, agency and franchising contracts.

There are many challenges that fashion houses and designers encounter specifically in their industry. This is actually the reason why it is a requirement for them to have attorneys who may understand the nature of the works being done including the short seasons, ever-changing product cycles, pressures surrounding counterfeit goods, and the issues of unfair

competition.

Trade arrangements, contracts, and information technology systems are also included in fashion business. It is quite significant for the fashion attorneys to protect their clients' rights effectively under such so-called assets by delivering industry-specific legal advice satisfying the clients' needs. A fashion attorney will be expected to advise his or her clients on all forms of protecting copyright and trademark rights including the newer database of designer rights. It has been a huge problem of the fashion industry that brands or smaller designers who immediately copied designs from the haute couture shows, at that point it is really significant to determine what rights they had in reproducing such designs.

A well-known major retailer recently received an out-of-court settlement from a discount clothing chain for the alleged copying of some of its own design pieces. The more and more discount retailers and independent small entrepreneurs copy such designs to create inexpensive and affordable imitations, it will be vital for the major retailers to have attorneys who would protect their rights effectively.

M&A is another segment of the fashion industry that has been very active recently as fashion houses are trying to get the new designers in order to expand their shares and catch a new perspective to the fashion.

To sum up, it should be emphasized that fashion law is a unique field of law that one should be able to understand how the entire industry works. It is a must for fashion attorneys to comprehend the uniqueness of a particular brand and its complete marketing strategy in order to distinguish the works of different designers.

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