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# of brides and instagram: second circuit vacates injunction giving employer control over social media accounts that use employee's name

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## MSK Client Alert

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Recently, in *JLM Couture, Inc. v. Gutman* (2d Cir. January 25, 2022), the Second Circuit vacated the provision of a preliminary injunction prohibiting Hayley Paige Gutman, a bridal gown designer and social media influencer, from accessing social media accounts under the "Hayley Paige" name.

Hayley Paige Gutman is the namesake of the "Hayley Paige" line of wedding dresses. In 2011, Gutman signed an employment agreement with JLM Couture, Inc. ("JLM") to design bridal wear, which was extended through August 1, 2022. Pursuant to her employment contract, Gutman agreed that she would "not compete with [JLM], directly or indirectly." Gutman additionally agreed to give JLM the "exclusive world-wide right and license" to the name Hayley Paige Gutman or any derivative thereof (*i.e.* the "Designer Name") in connection with bridal wear, and the right to register the Designer Name as trademarks. She further agreed that "the Trademarks shall in perpetuity be the exclusive property of [JLM] ... and [Gutman] shall have no right to the use of the Trademarks ... without the express written consent of [JLM]." Finally, Gutman stipulated that, should she "violate any provision," she "consents to the granting of a temporary or permanent injunction ... prohibiting her from violating any provision" of the contract. In exchange for the above rights granted, Gutman was to receive a base salary, plus an additional percentage of revenues sold under the Designer Name for the duration of her employment, and ten years following...

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