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## fashion industry

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The fashion industry – apparel and footwear, textiles and designs, beauty and fragrances, jewelry and accessories, furnishings, and more – is a multibillion-dollar global industry subject to countless local, national, and international laws in a vast number of subject areas. MSK has long provided full-service legal counsel to the fashion industry, from new entrants to international brand leaders, and from creators to suppliers, manufacturers, distributors, and retailers. From assisting in the clearance of rights in images to providing guidance on financing transactions to negotiating labor disputes to rapidly navigating U.S. immigration laws for the benefit of bringing a foreign designer here or working with U.S. Customs on the importation of goods, we have worked with many of the world's leading brands in apparel, jewelry, beauty, footwear, and private-label designers, manufacturers and retailers.

### intellectual property

Our intellectual property lawyers provide representation in the worldwide procurement and administration of copyrights and trademarks, including copyright registration, recordation, title searches, and licensing, as well as trademark applications, trademark availability searches, TTAB inter parties proceedings, trademark licensing, policing, and recordation with the U.S. Customs Service, and assistance in managing international trademark portfolios.

Among our partners is a former Acting General Counsel of the United States Copyright Office who brings a unique insight into all facets of copyright analysis, and a former international trade specialist for intellectual property rights at the Department of Commerce. Attorneys at MSK contributed significantly to the text and enactment of many federal copyright and e-commerce-related laws passed since 1983, including the Berne Convention Implementation Act of 1988, the Copyright Renewal Act of 1992, the Digital Millennium Copyright Act of 1998 for the Creative Incentive Coalition, and the PRO-IP Act of 2008 for the Coalition Against Counterfeiting and Piracy. MSK is a leading contributor to the Special 301 Report issued by the Office of the United States Trade Representative, which seeks to promote effective intellectual property rights protection worldwide while identifying serious and systemic protection and enforcement issues confronting U.S. rights holders in trading with particular countries. We are also closely monitoring S.3523, the Innovative Design Protection and Piracy Prevention Act, and other legislation potentially affecting the fashion industry.

### attorneys

Brian Fu  
Frida P. Glucoft  
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Emma Luevano  
Janice Luo  
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### related practices areas

corporate & business transactions  
immigration  
intellectual property  
international trade  
labor & employment  
litigation  
real estate



### **marketing, advertising & promotion**

We counsel our fashion clients in the clearance of rights in images and other content to be used in marketing, advertising and promotional campaigns. We have negotiated numerous celebrity endorsement deals between major sports and entertainment stars and leading apparel, jewelry, beauty, luxury goods, footwear, and private-label designers, manufacturers and retailers.

### **corporate**

We assist fashion clients in a broad range of corporate, financial and securities transactions. We help start-ups choose and establish the most appropriate business structure for them. We help negotiate and document secured and unsecured financings, stock offerings, and other financing transactions, as well as mergers and acquisitions. In addition, our corporate attorneys represent Fashion clients in the negotiation and documentation of foreign and domestic commercial agreements, including outsourcing, subcontracting, and supply agreements; representation, distribution and franchising agreements; e-commerce agreements; and executive compensation, director and officer agreements.

### **real estate**

We are active in all aspects of the acquisition, development, financing, zoning, entitling, leasing, and disposition of commercial properties within and outside the U.S., representing purchasers, sellers, owners, developers, investors, and contractors. We have assisted fashion clients with a range of real estate transactions, including the purchase of raw land and subsequent construction of an apparel/footwear warehouse and distribution center; the purchase of an as-built distribution facility for use by a fabric/furnishings importer; and the purchase and refurbishment of a manufacturing facility for a local designer.

### **labor & employment**

Recognized as a "go-to" firm for both traditional labor law and employment law services, we counsel management in all areas of the highly regulated employment relationship. We provide practical advice in planning, compliance, and human resources problem-solving, and represent clients in state and federal courts and before a wide variety of administrative agencies.

In union-represented workplaces, MSK labor and employment attorneys regularly represent management in collective bargaining negotiations and in hearings before the National Labor Relations Board (NLRB). We have guided clients through union elections, strikes, and other labor disputes, and advise on labor law issues in connection with mergers, acquisitions, and restructurings.

We have successfully represented employers in single- and multiple-party and class action litigation concerning employee classification, as well as claims of wage-and-hour infractions, and a host of other employment issues, such as claims of harassment and discrimination, failure to accommodate, wrongful termination, and breach of contract.



## **immigration**

MSK is second to none in providing a full range of immigration services to the fashion industry. Our many decades of experience working through the administrative processes of the U.S. Citizenship and Immigration Services (USCIS) agency (formerly known as the INS) and many other governmental agencies that affect employment and immigration into the U.S. can prove advantageous when our clients suddenly need that foreign designer here or are arranging a last-minute photo shoot there. We advise and assist our clients in seeking employment visas of all kinds, temporary immigration of foreign personnel, labor certifications, family green card petitions, citizenship petitions, Treaty Trader visas, Treaty Investor visas, and intracompany transfers of managers, professionals, technicians, and others.

We train clients regarding the immigration of foreign nationals, admission of international transferees, compliance with and implementation of federal immigration reform and control laws (including employment verification and I-9 form compliance), and prohibited discrimination under Immigration and Nationality Laws. Our immigration attorneys also represent fashion clients in U.S. Department of Labor and USCIS audits.

## **international trade**

Our international trade attorneys regularly advise fashion clients all along the path goods may take, including importers, exporters, customs brokers, freight forwarders, suppliers, shippers, and others. We work closely with governmental agencies, such as the U.S. Customs and Border Protection, Departments of Commerce and State, International Trade Commission, U.S. Trade Representative, and Food & Drug Administration (FDA), and counsel fashion clients regarding FDA compliance, qualification, and labeling/advertising of goods.

MSK trade attorneys provide advice regarding all issues of classification, valuation, and qualification for Free Trade Agreement, first sale, or other preferential benefits, and are able to assist clients develop cost-effective compliance programs, identify and solve problems, and mitigate or avoid duties and taxes.

We respond quickly and effectively to assist clients in handling customs audits, antidumping allegations, transfer pricing issues, Foreign Corrupt Practices Act compliance, disputes over international terms of sale, the importation of infringing trademarked, copyrighted, or patented goods, the recovery of duties, and other matters that may arise worldwide.

## **litigation**

MSK litigators are highly skilled in helping fashion clients resolve disputes cost-effectively. We frequently try single-plaintiff, multiple-plaintiff, and class action cases, to both judges and juries, with favorable results. We regularly represent clients in administrative trials and hearings before federal, state and local agencies, and in arbitrations, mediations and other forms of alternative dispute resolution.

Our fashion clients have benefited from our representation in a wide range of matters, including but not limited to claims of antitrust and unfair competition, counterfeiting and piracy, patent, trademark and copyright infringement, disputes regarding distribution and licensing contracts, environmental and land-use issues, and



consumer product safety and testing, packaging, and labeling.

## news

Robert Rotstein, Aaron Wais and Emily Evitt Mentioned in *Law360*  
January 27, 2016

Ariel Weindling Named 2015 SoCal Apparel Award Finalist by the *Los Angeles Business Journal*  
December 14, 2015

Lauren Wachtler and Paul Montclare Mentioned in *Bisnow*  
November 2015

Lauren Wachtler, Russell Frackman and Marc Mayer Mentioned in *Law360*  
October 22, 2015

Lauren Wachtler Mentioned in *New York Law Journal* for Receipt of the Champion for Change Award!  
June 2015

Jeffrey Movit Named to the List of New York *Super Lawyers* Rising Stars  
September 2013

Lauren Wachtler Featured in *ABA Journal*  
September 23, 2010

Lauren Wachtler Featured in *New York Law Journal* for Helping Nonprofit Provide Support to Rwandan Rape Victims  
July 14, 2010

Lauren Wachtler Appointed to Blue Ribbon Task Force  
June 5, 2008

Pat Benson Named to the *Daily Journal's* List of "Top Women Litigators"  
May 10, 2007

Pat Benson Named one of Daily Journal's Top Women Litigators  
June 1, 2006

Partner Pat Benson Named One of California's Top Litigators  
September 12, 2005



## publications

10 Immigration Tips for California Employers in the Fashion Industry  
*California Apparel News*, January 2014

## alerts

For Louboutin and Yves Saint Laurent, Both See Red  
*MSK Client Alert*, September 10, 2012

## events & speaking engagements

MSK Honors Iris Apfel in Conversation with Harold Koda  
October 22, 2015

Piracy, Knock-offs, and IP Protection in the Fashion and Luxury Goods Industry  
October 21, 2014

Latest Developments in Fashion Law: Brand and Logo Protection  
October 9, 2014

Fashion Industry Forum: How To Succeed In The New Economic Climate - Tips From Top Executives Who Have Made It Work  
November 14, 2013

MSK's Fashion Institute: A Discussion of Issues Facing the Fashion Industry Today  
March 13, 2013

Licensing Agreements in the Fashion Industry  
February 2013