

## Fashion Law

The fashion industry, by nature, is constantly in motion and continuously evolving. Seasons drive trends and the fierce competition drives creativity. Companies, agencies, creators, models, and individuals are under pressure to be forward-thinking while also running a business. Essential to their profitability are effective business operations and protection of intellectual property assets and the brand overall.

The Fashion Law practice at Pashman Stein Walder Hayden has experience navigating the complex business and legal matters related to the ever-changing fashion industry. We provide our clients with knowledge and experience based on a deep understanding of the industry and the unique challenges our clients face in their day-to-day operations, serving as trusted advisors.

### Tailored Advice

Our clients range from start-ups to established companies and individuals, as well as fashion models and their agents, photographers, makeup artists, and stylists. We work with these professionals to address the daily demands of their business, drive their ideas forward, and provide counsel on legal issues.

The Fashion Law practice group collaborates with other Pashman Stein Walder Hayden lawyers to ensure that our clients receive tailored, innovative and strategic solutions on a full range of issues including:

- Antitrust Law
- Intellectual Property
- Corporate Formation and Financing
- Labor & Employment
- Commercial Real Estate, Land Use, and Zoning
- Contract Negotiations
- Litigation
- Licensing and Permitting

### Protection of Intellectual Property

A key component of the fashion industry is branding and our attorneys know the importance of building a strong brand. We also know how important it is to protect a brand from infringement and counterfeiting, which has grown into a multibillion-dollar industry.

Our Fashion Law practice group provides clients with a comprehensive IP strategy to effectively launch, market, protect and monitor their brand. The team has experience drafting IP licenses and preparing copyright and trademark applications, as well as conducting due diligence on IP assets in mergers, acquisitions, and strategic transactions. We also develop strategies to enforce the brand if necessary.

## Litigation and Dispute Resolution

The Fashion Law group has extensive experience representing clients in litigation, having acted as lead counsel and national coordinating counsel for Fortune 500 companies. We have handled matters regarding antitrust, breach of contract, defamation, and tortious interference with contracts and have represented fashion model agencies and fashion models in contract issues including restrictive covenants, representation agreements, and personal appearance and endorsement deals.

Additionally, the team has extensive experience prosecuting claims regarding copyright infringement, trademark infringement, and misappropriation of trade secrets or other proprietary information.

Whether advocating for our fashion industry clients in litigation or through an alternate dispute resolution proceeding, our attorneys strive to serve as a valued business partner throughout the representation.

## Representative Matters

Our firm is proud of the results it has achieved for clients, some of which are noted here. Of course, each legal matter is unique on many levels, and past successes are not a guarantee of results in any other pending or future matters.

- Obtained a dismissal of a putative class action by former fashion model against modeling agency regarding claims of unpaid usage fees and comingling of money in agency bank account.
- Representation of celebrity and fashion model to terminate her representation agreement with former model manager, negotiation of representation agreement with new model manager, and participate in negotiation and drafting of branding, endorsement and appearance deals.
- Representation of celebrity and fashion model whose social media accounts were hacked and obtaining written cease and desist agreements from hackers.
- Representation of leading fashion model agency in antitrust class action alleging horizontal price-fixing (In re Fashion Model Antitrust Litigation, 2003 U.S. Dist. LEXIS 698 (S.D.N.Y. Jan. 16, 2003) & 2004 U.S. Dist. LEXIS 4502 (S.D.N.Y. Mar. 23, 2004)) and obtaining dismissal of state law and Sherman Act claims, leading to favorable class settlement.
- Negotiation of non-disclosure agreements for celebrity and fashion model with service providers and wedding planners.

- Representing male underwear model in Lanham Act claim against apparel manufacturer and advertising agency for unauthorized usage of image and likeness in breach of usage agreement.
- Review of brand ambassador and endorsement agreements for celebrity and fashion model and negotiation of terms for photo shoot conditions, image usage, personal appearances and social media posts.
- Successfully defended model management companies against class action claims by fashion models regarding unauthorized extensions of usage agreements and misclassification of employment status claims.
- Successfully obtained dismissal of New York Labor Law claims and affirmance on appeal in putative class action against fashion model agency by fashion models claiming they were and are misclassified as independent contractors rather than employees.