

Fashion Law for Fashion Businesses

In the digital era, the fashion industry has, along with other industries in general, undergone unprecedented economic changes and challenges.

Commerce has evolved over the years in a fast and sophisticated way, leading to a series of profound changes in the way of developing the Fashion Businesses, especially with regard to the digital presence, which has become a channel to consider by companies.

The Covid-19 pandemic has proved that e-commerce is a viable alternative to retail carried out at the fashion brick-and-mortar stores, representing a primal example of businesses that took advantage of the digital channel to mitigate the damage caused by the closure of those.

Many of the Fashion Businesses decided to go online only, creating an innovative business model for this industry, which is inherently attached to retail sales in brick-and-mortar stores.

Businesses willing to thrive in this "new normality" must be prepared to adapt to the latest technological changes, which follow the intrinsic constant changes of the Fashion sector.

The Fashion industry is vast and involves a variety of participants, such as designers, models, agents, photographers, specialists in marketing and advertising, applicable to small and large companies. Alongside these professionals, are the production, manufacturing, distribution, transport and advertising teams.

For these reasons, the Fashion Business claims a holistic approach, and it is essential that the entrepreneur is aware of the global reality of his business and the underlying legal needs. Each element requires legal knowledge that understands the specificity of the business.

What is the Fashion Law?

Fashion Law is a growing legal specialty covering the specific legal aspects of the Fashion Business. It deals with legal issues that occur in this commercial activity, encompassing the sectors of clothing, jewelry, footwear, wallets and accessories, cosmetics and perfumes, among others.

Due to the interconnection with a wide variety of subjects and given the areas and legal relationships that it covers, the Fashion Law is a very sophisticated "branch" of law.

In Fashion Law the following main areas may be identified:

- Intellectual and Industrial Property (copyright, brands, industrial designs, patents, etc.)
- Digital
- Advertising and Social Media
- E-commerce
- Commercial
- Labor
- Competition
- Environmental
- Tax

Why do the Fashion Businesses need the Fashion Law?

- In the global digital world, the Fashion Businesses have several elements to protect - from the company name, the main brand, the bridge lines, etc. There are a range of aspects that require specialized legal analysis.
- Fashion creations can be protected by industrial design, as it applies in the ornamentation of products (drawing of threads, shapes, textures, colors, sewing stitches, among other elements) but, also, once certain legal requirements are met, they may be protected through copyright.
- The online store, the domain name, the layout of the page of the website are the business's gateway to the global digital world. These elements, taken together, determine the positioning of the business in the market, which may also be protected.
- Contracts with employees, partners, distributors, manufacturers, designers, photographers, models, brand ambassadors, influencers require specific attention.
- The business must also be aware of the sustainability standards that govern the Fashion industry.
- Designing a strategy to prevent and fight counterfeiting should also be a business concern.

The business should develop a roadmap that aggregates the aspects mentioned above, with emphasis on:

- Adjusted intellectual and industrial property strategy, including the identification of sketches, brands, designs, inventions, etc., with specific protection and registration processes.
- Relevant legislation for the business.
- Contracts required for the activity.
- Privacy & personal data protection policies, terms & conditions and all legal documentation for the website.
- Procedures and requirements for product labeling.

Fashion Law is a "branch" of law aimed at regulating the issues that the commercial activity of this sector raises, in order to prevent and mitigate the associated risks, favouring the maintenance and maturity of the business.

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