INTELLECTUAL PROPERTY AND FASHION

I. Creative Process

A. Generating IP

Identify IP assets and file application for those that need to be registered

DESIGN PROTECTION

- FILE AN APPLICATION BEFORE THE LOCAL OR REGIONAL OFFICE WHERE YOU INTEND TO COMMERCIALIZE YOUR FASHION
- "MULTIPLE APPLICATION" IS CHEAPER.
- DEFER PUBLICATION FOR A PERIOD OF UP TO 30 MONTHS TO FURTHER DEVELOP YOUR MARKETING STRATEGY OR TO COMPLETE THE PRODUCTION PREPARATIONS
- DO NOT DISCLOSE YOUR DESIGN BEFORE ITS REGISTRATION

UNREGISTERED DESIGN RIGHTS

- BEST WAY TO PROTECT FASHION ITEMS WITH A SHORT SELF-LIFE
- FIRST PUBLIC DISCLOSURE IN THE TERRITORIES WHERE UNREGISTERED DESIGN RIGHTS MAY BE RELEVANT

COPYRIGHT PROTECTION

- COMPLETE DOCUMENTATION OF THE COLLECTION OF ASSIGNMENTS
- NO FORMALITIES. WHERE POSSIBLE, REGISTER COPYRIGHT
- EMPLOYER, UNLESS OTHERWISE PROVIDED BY CONTRACT ENTITLED TO EXERCISE THE ECONOMIC RIGHTS
- DERIVATIVE WORKS: PERMISSION FROM THE ORIGINAL IP HOLDER

TRADEMARK PROTECTION

- REGISTER YOUR TRADEMARK, IN ORDER TO EXCLUDE OTHERS FROM USING AN IDENTICAL WORD OR LOGO.
- REGISTER AS DOMAIN NAMES (DN) ALL ITS TRADEMARKS
- FILE AN APPLICATION TO THE WIPO TO REGISTER THE TM CURRENTLY IN 130 COUNTRIES/TERRITORIES
- CONDUCT A SEARCH OF AVAILABILITY OF THE SIGN AND LOGO YOU WANT TO USE AS YOUR TRADEMARK

PATENT PROTECTION

- CONSIDER PATENT PROTECTION WHERE RELEVANT

GEOGRAPHICAL INDICATIONS

- TEXTILE PRODUCTS BASED ON LOCAL KNOWLEDGE FOLLOWING LOCAL PRODUCTION METHODS, ROOTED IN CULTURAL & SOCIAL HERITAGE OF A SPECIFIC REGION.

TRADE SECRETS

- LIST OF KEY SUPPLIERS AND/OR BUYERS
- USE OF SOFTWARE TOOLS FOR FASHION DESIGN
- LOGISTICS MANAGEMENT OF THE ENTIRE VALUE CHAIN

B. Generating IP

Identify IP assets with commercial value: IP due diligence

CONDUCT IP DUE DILIGENCE TO:

- REVEAL THE PROTECTABLE BY IP ASSET
- REINFORCE THE QUALITY OF THE FASHION BUSINESS COMPANY IN SEARCH FOR INVESTORS AND IN CASE OF JOINT VENTURES.
- CUT SPENDING AND MAKE SAVINGS IN THE COMPANY'S BUDGET.

II. Fostering Your IP Business Strategy

The choice of one IP regime over another, i.e., patent, trade secret, design, trademark, open source, copyright a delicate business choice.

- VALUE AND LIFE EXPECTANCY OF THE FASHION PRODUCT?
- BUDGET
- FASHION BUSINESS IN A COMPETITIVE ENVIRONMENT?
- EASY OR DIFFICULT TO REGISTER YOUR IP RIGHT?
- WILL THE FASHION PRODUCT FIT INTO A SINGLE DESIGN OR TRADEMARK APPLICATION?
- STATUTORY TIME BARS IN IP LAW?
- TERRITORIAL COVERAGE
- LEVEL OF FEES PROHIBITIVE FOR YOU?

REASONS TO AVOID DESIGN PROTECTION?

- BUSINESS MODEL OF THE COMPANY
- FLAT CHARACTERISTICS OF THE PRODUCT (E.G. A VERY-SHORT-LIFECYCLE PRODUCT)
- CHARACTERISTICS OF THE MARKET WITHIN WHICH THE COMPANY OPERATES

III. IP Commercialization

THE DISTRIBUTION AGREEMENT

Before entering the agreement, sign a memorandum of understanding (MoU) or a letter of intent (LoI) aiming to write down the intentions of both sides and the general terms of the agreement.

- TYPES OF DISTRIBUTION AGREEMENTS
- SALES AGENCY AGREEMENTS
- TERRITORIA DISTRIBUTION AGREEMENTS

IV. IP Monitoring and Enforcement

Monitoring IP rights enables a fashion business to reduce the costs for defending their IP assets

ENFORCE YOUR RIGHTS AND WITH THE ASSISTANCE OF A LAWYER TAKE SOME ACTION BY USING ENFORCEMENT PROCEDURES

- CIVIL REMEDIES
- CRIMINAL SANCTIONS
- BORDER MEASURES