



Intellectual property

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Intellectual Property

Intellectual property at Fox Williams

Creating and protecting intellectual property (IP) is a competitive cornerstone in today's complex marketplace. For most fashion businesses, the brand, product design and key images such as campaign photographs (all forms of IP) are the principal assets which enable the business to expand. This can be both in terms of driving repeat sales as reputation grows and in terms of the creation of new opportunities for franchising, licensing and distribution.

Fox Williams' experienced trade mark team can help you with all aspects of your trade mark from advice on trade mark strategies and clearance searching to registering your marks and managing your portfolio.

Trade marks

Trade marks protect your brand including the name and logo.

It is important that you have certainty about your ability to use and develop your brand and that others do not seek to springboard off your success by using a similar name to your brand for similar products. Registering a trade mark gives you both benefits for an affordable price.

To place your business in the best possible position for future growth, Fox Williams can help you:

1. develop and implement an effective trade mark filing strategy;
2. file and register your trade mark in the UK, EU and internationally;
3. defend against any objections made by trade mark offices relating to your trade mark's registrability;
4. defend against objections raised by any third party rights owners in proceedings to oppose the grant of your trade mark or applications to cancel it after it has been granted;
5. assign trade marks, including the complex requirements for recording the assignment in various different trade mark offices;
6. review and, if desired, renew your trade marks when they come up for renewal (every ten years); and
7. negotiate and conclude co-existence and licence agreements.

Designs

Design protection is of crucial importance to the fashion and creative industries. Both the EU and UK offer different forms of protection for unregistered designs.

EU and UK registered designs

The EU registered design provides pan-EU design protection by means of a single registration. A similar regime is available in the UK. In order to get a registered design it needs to be registered within a year of being first made available to the public e.g. at a trade show or via a photo on social media.

UK unregistered designs

UK unregistered designs protect the shape and configuration of the whole or part of a product. For example, Fox Williams has used UK unregistered design right to prevent continued sales of a hooded gilet which had been copied.

EU unregistered designs

EU unregistered designs also protect surface decoration such as printed patterns and texture. It is a very versatile right but only lasts for three years.

Likewise, international design registrations are an attractive means of getting design protection in territories such as USA and Australia.

Copyright and database rights

Copyright is a useful weapon in a fashion business's armoury. It protects graphical images (i.e. pictures or drawings on products or packaging). Database rights subsist in key data such as lists of your suppliers and customers as well as sensitive data such as HR information or, potentially, customer payment information or analysis. Copyright and database rights are particularly important for online services and web-facing businesses.

Patents

Patents are more applicable to the fashion industry than you might first think. The huge leaps forward in fabric and manufacturing technology often are often patented inventions. Similarly, the developments in wearable technology mean that patents and fashion are likely to become better acquainted in the future. We regularly help clients on their patent needs including reviewing any existing patents, identifying potential inventions that could be patented and finding ways around threatened patent infringements.