

## Apparel & Fashion

Our Apparel & Fashion practice weaves together deep experience with a commercial mindset. We offer strategic and practical advice attuned to the demands of those in the garment, footwear, and accessories industries, as well as companies in the beauty and personal care products fields.

Our attorneys are here to help you grow and thrive —ensuring you stay ahead of both runway and regulatory risks. We protect your valuable IP, navigate regulatory mazes, draft and negotiate contracts, advise on retail expansions, and when needed litigate to enforce or defend your rights. We've got you covered from head to toe, inside and out.

### LEADERSHIP



APPAREL &  
FASHION

INTELLECTUAL  
PROPERTY

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### OVERVIEW

Our **Apparel & Fashion** practice offers sophisticated, industry-specific legal counsel to apparel designers and manufacturers, suppliers, retailers, advertisers, and other stakeholders in the fashion industry including those in the related health, beauty, cosmetics, and personal care products fields. The laws and regulations in these fields are dynamic and diverse, sitting at the intersection of intellectual property, technology, advertising, international trade, business, and environmental laws.

Our attorneys are trusted advisors to both emerging brands and industry leaders, guiding them through this evolving legal landscape. From initial concept and brand formation to retail expansion and intellectual property enforcement, our team understands the intricate legal challenges faced by businesses in your industry.

Whether your company is designing innovative cutting-edge sportswear, navigating California's unique privacy and environmental laws, launching new distribution or retail locations,

implementing and promoting sustainability initiatives, or trying to strategize around new tariffs and trade restrictions, we provide **practical, business-minded legal solutions** to help you thrive.

## OUR SERVICES

We provide comprehensive, full-spectrum counsel, including:

### **Intellectual Property & Brand Protection**

Trademark registration, copyright protection, brand enforcement, anti-counterfeiting and gray market goods, trade dress, design patents, customs recordation, and licensing and branding agreements.

### **Business Formation, Governance, and Financing**

Entity formation, joint ventures, financing, and corporate governance.

### **Advertising, E-Commerce, Influencers, and Privacy**

FTC compliance, advertising regulations, influencer partnerships, sweepstakes & contests, privacy policies and website terms of use.

### **Manufacturing, Sourcing & Supply Chain Contracts**

Domestic and international manufacturing agreements, vendor contracts, regulatory and customs compliance.

### **Litigation & Dispute Resolution**

Brand enforcement, trademark, trade dress and unfair competition litigation, anti-counterfeiting efforts, contract disputes, and false advertising claims.

### **Real Estate, Land Use, and Environmental**

Commercial and retail leases, acquisition and disposition of commercial and retail properties, and land use and entitlement work (permitting, planning, zoning), Prop 65 issues and litigation.

### **Name, Image, and Likeness (NIL) & Sports Law**

Advising athletes, universities, and brands on NIL contracts, sponsorships, and compliance with NCAA, state, and federal regulations.

### **Employment Law & Immigration Law**

Wage and hour compliance, independent contractor classification, and other employment issues; visa strategy and compliance including O-1, H-1B, and EB visas, PERM labor certification, I-9 compliance, and global mobility planning.

## CLIENT HIGHLIGHTS

Our attorneys have represented clients in a wide range of matters:

### **Intellectual Property**

Represented multinational clothing manufacturer and retailer in intellectual property infringement disputes involving the use of brands on apparel, marketing, and social media.

Represented maker of personal care products (lip balm, lotions, ointments) in trademark dispute and Lanham Act litigation against competitor.

Provided counsel to European apparel company in dispute involving trademark license and production agreement with large domestic brand.

Advised California women's sportswear company in brand protection and trademarks in US and abroad.

Counseled leading apparel company on design patent considerations for new footwear line.

Advised leading Korean apparel brand in US trademark prosecution matters

Provided counsel to non-profit trade association on certification marks for genuine down or feather products.

Represented a global modeling agency in trademark and dilution litigation. Successfully negotiated a favorable settlement protecting the agency's trade name.

Represented jeweler designer in trade dress infringement litigation and trial.

Provided counsel to foreign luxury handbag maker in trademark protection and prosecution matters in the US.

Provided counsel to leading fashion designer on IP and upcycling matters.

Advised world-renowned surfer on trademark protection in connection with apparel and equipment.

Advise maker of gymnastics apparel on trademark prosecution and protection issues.

Provided counsel to swimwear company on intellectual property issues, trademark prosecution, and manufacturing agreements.

Counseled West Coast maker of hair accessories on trademark issues.

Represented start-up children's apparel company in trademark dispute and trademark prosecution.

Advised software company/digital photography studio on licensing of its virtual showroom software platform (SaaS) to large apparel companies.

Guided large apparel company in establishing guidelines for handling domain name disputes.

### **Advertising, Marketing, Labeling, & Regulatory Matters**

Advised leading apparel company in Commercial Co-Venture (CCV) agreements.

Counseled national fitness company in advertising practices including disclosures, contests, and promotions involving apparel and retail products

Advised personal care products companies as to influencers, social media marketing, and FTC guidelines.

Counseled companies on labeling, FDA issues, customs, tariffs, import-export issues, and country of origin issues including "Made in the USA" and other claims.

Advised internationally-known outdoor clothing and gear maker and retailer in connection with alcohol beverage licensing issues.

### **Business & Finance**

Represented apparel technology company in formation and creation of joint venture with a leading textile company to make and promote company's sustainable textile technology.

Counsel to venture capital firm focusing on sustainability and health as to financing of various companies in the apparel, luggage, and camping products (sleeping bags, blankets, mats) fields.

Advised leading maker of action sports footwear and apparel in asset-based financing matters.

### **Real Estate and Land Use**

Counseled leading work footwear company in land use issues arising from purchase of land for distribution centers

Represented large apparel company in land use issues in opening of new retail stores.

Advise vintage clothing retailer with nationwide locations on commercial leases and business issues.

Represent leading personal care products company in California Prop 65 litigation.

Represent nationally known athletic footwear and apparel retailer in commercial leases.

## WHY FENNEMORE?

With a century-long legacy, and offices and attorneys in the West, Southwest, and across the country, Fennemore combines **big-firm resources with boutique-style service**. Our clients choose us not only for our legal acumen, but for our genuine enthusiasm for creativity, commerce, and innovation. We speak your language, understand your market, and are committed to protecting what you've built.

## ARTICLES

*California's "Responsible Textile Recovery Act" To Go Into Effect In 2026*, Eugene M. Pak and MaryJo E. Smart Pinocchio

*Top Ten Influential Intellectual Property Cases In Apparel & Fashion Law*, Eugene M. Pak and Hanna Kim

*NIL Agents: The Good, the Bad, and the Unregulated* (2025), David A. McCarville and K.J. Russell

*Trademark Blog Post: Vidal v. Ester (Lanham Act "Names Clause" and t-shirts)* (2024), Maria C. Vasta

*Considerations for Business and Student Athletes Negotiating Name, Image and Likeness Deals* (2024), David A. McCarville