

Fashion

~Intellectual property rights related to the fashion field~

1. Latest Fashion

1) Since the life span of products such as the latest fashionable clothing, accessories, etc., is short, claims based on the Unfair Competition Prevention Act (especially Article 2, Paragraph 1, Item 1 and 3 of the Act) are often more important than design rights and trademark rights, which require some time and expense from application to registration. In particular, when making a claim for injunction and/or damages under Article 2, Paragraph 1, Item 1 of the Unfair Competition Prevention Act, the key points are how widely known the name or form is, which aspects of it are claimed to be similar, how to prove that it is easy for consumers to make mistakes, and how much and where to gather the evidence to do so. Our firm has substantial experience in this area.

2) Furthermore, with respect to products that are in the latest fashion and have a short life span, if you receive a warning letter from another company stating that your product is infringing, and if you are in the early stages of sales or have a small number of products in stock, rather than disputing the case head-on, many of our clients prefer to make a business decision to stop advertising and selling at an early stage, pay a not-too-large amount as a settlement, and terminate the case. Our firm strives to resolve cases based on the key points that our clients wish to focus on.

2. Brand's Iconic Products

1) Since iconic brand products have a long lifespan, we recommend obtaining intellectual property rights such as trademark rights (including three-dimensional trademarks) and design rights. In the case of products featuring distinct functions, patent rights are also useful.

2) Obtaining intellectual property rights is useful in enforcing your rights against infringing products to stop advertising and selling them or to claim damages. Exercise of the above rights includes not only claims to the party against whom the infringing products are manufactured, sold, etc., but also requests to internet shopping sites to remove the infringing products from internet shopping sites or the suspension against infringing products at customs.

3. Overseas Brands

When licensing from a famous foreign fashion designer and selling in Japan, careful consideration must be given to the contract with the foreign company.

We can provide a wide range of support based on our experience, including the extent to which fashion designers' names and photos can be used on websites for advertising, handling of seasonal sample products, items included in the licensing fee, and whether or not to obtain trademark registration in Japan.

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