

Fashion Law

A Practical Guidance® Practice Note by Tamar Niv Bessinger, Alejandra Camacho, and Alexandra Lenczewski, Fross Zelnick Lehrman & Zissu P.C.



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This practice note addresses intellectual property issues that arise in the fashion industry. Practical guidance on the use of trademarks, trade dress, copyright, and design patent law is included. Specific attention is given to trademarks as source identifiers in the marketplace, and the primary role they play in safeguarding a fashion brand's investment. Nontraditional marks, which are ubiquitous in the fashion industry, are also discussed. The note further explains the role of copyright in the protection of clothing and fashion photography. Finally, the note reviews design patents as useful tools to protect the overall visual appearance and unique and non-obvious ornamental features of original designs for shoes, bags, jewelry, and other fashion accessories. The note contains numerous graphic images to aid the reader in understanding the use of intellectual property protection as it pertains to fashion.

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Tamar Niv Bessinger, Partner, Fross Zelnick Lehrman & Zissu P.C.

Tamar Niv Bessinger offers clients proactive and practical IP counsel with creative strategies to achieve their goals while preserving their bottom line. Tamar's practice focuses on U.S. trademark searching, filing, enforcement, as well as portfolio management. She is adept at obtaining trademark registrations under challenging circumstances.

A frequent speaker at trademark industry events and writer on issues including search strategies and ethics in trademark law, Tamar advises clients on trademark clearance, licensing, and acquisitions. She also negotiates and drafts coexistence, settlement, and manufacturing agreements.

Tamar works with clients across diverse industries, including personal care products, beauty and fashion, luxury brands, restaurants, and entertainment and communications.

Alejandra Camacho, Associate, Fross Zelnick Lehrman & Zissu P.C.

Alejandra Camacho Luna helps to develop worldwide strategies to protect and enforce clients' intellectual property rights. For this purpose, she conducts international clearance searches to determine the availability of marks, designing cost-effective strategies to file trademarks and creating solutions to overcome any obstacles to ensure protection of clients' portfolios.

In addition to drafting and negotiating coexistence, consent, and undertaking agreements, Alejandra handles daily issues relating to prosecution and maintenance of the client's IP rights around the world. She is involved in opposition and cancellation proceedings, as well as developing legal and amicable solutions to stop the use of clients' marks by unauthorized third parties.

Alejandra works with clients ranging from startups to well-established multinational companies, advising on IP protection when clients want to expand their businesses to new markets and jurisdictions.

Prior to joining Fross Zelnick, Alejandra worked with a Federal District Judge in Mexico, where she helped draft decisions in Equal Protection cases and worked in the litigation group of an IP law firm in Mexico.

Alexandra Lenczewski, Associate, Fross Zelnick Lehrman & Zissu P.C.

Alexandra Lenczewski advises clients in intellectual property matters spanning a variety of industries, including fashion, cosmetics, food and beverage, jewelry and watches, consumer products, and pharmaceuticals. Her practice focuses on prosecuting trademark applications, as well as prosecuting design and utility patent applications before the U.S. Patent and Trademark Office.

Prior to joining Fross Zelnick, Alexandra was an associate at a New York City-based law firm assisting large multinational clients with domestic and foreign patent and trademark prosecution matters. While in law school, Alexandra worked in-house as a legal intern at a leading technology company's global headquarters, assisting with patent matters relating to software, cybersecurity, data visualization and cloud storage.

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