Legal Best Practices for Luxury Marketing & Retail



Agenda

- What are some legal concerns at the forefront in 2018-2019?
- How are legal teams and marketing teams working more closely together?
- Is this really a threat or are you asking us to be abundantly careful?
- What can you do to protect your brand and reputation?

Legal Concerns

- GDPR and other privacy laws
- Social media
- "editorial" works and email marketing
- Cause marketing



What is Consumer Privacy?

In California - California Consumer Privacy Act, A.B. 375

- right to be informed about what kinds of personal data companies have collected and why it was collected.
- the right to request the deletion of personal information, opt out of the sale of personal information, and access the personal information in a "readily useable format" that enables its transfer to third parties without hindrance.
- Confidential information includes a consumer's personal identifiers, geolocation, biometric data, internet browsing history, psychometric data, and inferences a company might make about the consumer

❖In the EU – The General Data Protection Regulation

- right to be informed about what kinds of personal data companies have collected and why it was collected
- Request their data to be deleted or stop being distributed to third-parties;
- The right to correct errors'
- Ability to transfer personal data between service providers easily
- Object to the marketing and processing of their data
- Political opinions, health and other enumerated types of data cannot be processed without explicit consent

What is Intellectual Property?

- ❖Intellectual property is a property right that can be protected under federal and state law, including copyrightable works, ideas, discoveries, and inventions. Grouped into 4 general categories - trademarks, copyrights, patents, and trade secrets.
- Lanham Act, 15 U.S.C. §§ 1051 1127, and states' statutory and/or common laws. Trademarks include words, names, symbols and logos. The intent of trademark law is to prevent consumer confusion about the origin of a product.
- ❖U.S. Copyright Act, 17 U.S.C. §§ 101 810, is federal legislation enacted by Congress under its Constitutional grant of authority to protect the writings of authors which includes graphic arts, software, apps.
- Uniform Trade Secrets Act
- International equivalents

How Marketers and Lawyers Work More Closely Together

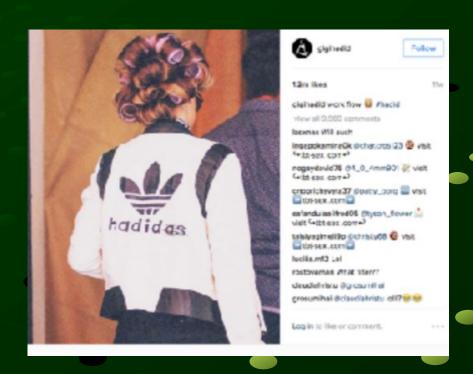
- Social Media
- User-generated content
- Editorial use
- Cause marketing
- Brands must act swiftly



Current Legal Battles

Cepeda v. Hadid

Xposure v. Kardashian



What Can You Do Now?

- Convert Employee Assets Into Your Own
- Obtain Appropriate Releases
- Be vigilant
- Work with an attorney on a regular basis

Closing Remarks

"As my website provides, find an attorney with a suitable approach to the law so that you can be confident that no matter what issues you are facing, you will have the full support of a team of experienced lawyers who understand your business, support your growth and vision, and come from a place of "know" rather than 'no'"

- Rania V. Sedhom

Thank You

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