

# Preface

This book began with the realisation that while plenty of books provide an insight into the legal issues facing the fashion industry in the US, there are comparatively few that consider the European perspective. Those books that do consider European law in the context of fashion tend to do so from a more academic than practical perspective. This book aims to change that trend.

Europe is the home to three out of four of the world's major fashion weeks (Paris, Milan and London). Key global fashion movements began in these cities and they continue to influence the rest of the world. It is high time for a book which looks at European legal issues as well as those in the Americas and Asia.

There are important European legal concepts and conventions which affect both European fashion businesses and those planning to do business in Europe. For example, design protection, use of customer data and e-commerce all have specific nuances which may be unfamiliar to non-Europeans. For anyone doing business in Europe, a lack of awareness of these issues can harm reputations and lead to expensive and distracting disputes.

Before we start, I must make a confession: I am an English intellectual property lawyer. This means that this book inevitably has both an English and an intellectual property focus. However, thanks to some excellent contributors from across Europe the book escapes a narrow focus and provides some essential insights for fashion businesses and lawyers alike.

## The aim and approach

The aim of this book is to set out the main legal issues that all fashion businesses need to be aware of in order to thrive in the modern

marketplace. It should be essential reading for those working in the fashion business as well as students hoping to join the fashion industry and lawyers who want to better understand their clients' business needs.

I became interested in the fashion industry as a result of my work for fashion and retail clients over the last decade. In addition to working for fashion clients in a law firm, I have been fortunate enough to have two secondments to eBay and Richemont. These e-commerce and luxury businesses have been at the forefront of the technological revolutions which have shaped the fashion industry and have led some of the major European litigation into areas such as the use of keyword advertising and blocking injunctions. Consequently, in addition to the book's exploration of the key legal issues, there are occasional insights into the business practicalities as well.

Rather than consider each European country and the legal issues they face in turn, this book looks at the common legal issues throughout the European Union, European Economic Area and Switzerland. It particularly focuses on the UK, France and Italy, the homes to the three major fashion capitals. The book identifies important differences either within or between different countries. In addition to the UK, France and Italy, there is occasional insight into some of the major European markets such as Germany, Switzerland, Belgium and Poland. Overall, this book is an appetiser. It is a starting point for legal understanding rather than the end of your journey of fashion law discovery.

The aim of this book is to be as accessible to as many people as possible. It cannot answer every legal issue a fashion business may face in Europe. Instead, it highlights key issues which commonly affect the fashion industry and identifies some of the best (and worst) approaches with examples from the legal front line.

Rather than going through each legal topic in turn, such as intellectual property, employment and data protection, these issues are woven into the story of the modern fashion business. I start with a fashion design student and take them on a journey to global domination.

## **Thanks a million!**

I am hugely grateful for the help and assistance I have received along the way from my fellow European lawyers. In particular, Charlotte

Gerrish (France) who is a woman of many talents (not least, French and English law) and has been a great support throughout the process. In no particular order, further enormous thanks are due to the contributors from across Europe: Chiara Gaido (Italy), Frederic Lejeune (Belgium), Michal Stein (England – employment), Wioletta Kulinska (Poland), Gordon Drakes (England – franchising, agents and distributors), Isabelle Pons (France), Alexandra Brenner (Switzerland), Kate Partridge (England – corporate transactions) and Hester Beuvers (Germany). Without their help this would have been a very Anglo-centric and intellectual-property-focused publication. I am immensely grateful for their time and dedication.

In addition to legal input, I have been fortunate to have had some great insights into the problems faced by new and established fashion businesses. Huge thanks are owed to Cristina Gatti (ittag) for her practical insight into the industry – it's not every fashion owner who wants to show a lawyer around Paris fashion week! Thanks also to the glamorous Roberta Tria for providing her insights into the practical side of luxury fashion.

Thanks also to the always inspirational Marija Butkovic (Women of Wearables), Nicola Searle (Goldsmiths University) and Amit Alagh (tech and legal business guru), for their help, advice, support and proofreading. A particularly big shout out goes to Eleonora Rosati who has taken time out of her many commitments to apply her laser focus to the final draft. Any errors which remain are entirely my own fault. I would love to hear about them by email, rather than in the comments section on Amazon, although the choice, is of course, yours.

Finally, huge thanks to Edward Elgar (the publisher not the composer) and, in particular Luke Adams and Stephanie Tytherleigh for believing in me and helping me to make this happen. All websites cited in the volume were live as at 10 October 2018.

## Definitions and interpretation

I have a longstanding dislike of using 'he' to represent both genders but even worse, in my view, is the distracting 's/he' or 'he or she'. Consequently, 'they' is used throughout. I studied English at university before studying law as a postgraduate so I, more than most, appreciate that this is technically incorrect. However, until a non-gendered alter-

native enters common linguistic use, this is the route I have adopted. Alternative suggestions are always welcome.

For those of a digital persuasion, the website associated with this book: [www.EuropeanFashionLaw.com](http://www.EuropeanFashionLaw.com) will have summaries of key issues and handy links to additional sources of information.

Throughout the book, you will see occasional images in the outer margin.



means that a lot hangs on this point so it is worth reading carefully.



means that this point is fairly retro and could become out of date in the near future.



means that it is a cool practical tip but isn't strictly a legal issue.