

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



No infringement intended

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



Image Source: Shutterstock

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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