



# THE NEXT LEVEL: INTELLECTUAL DESIGN THE POWER OF THE TRADEMARK

BY MARIESSA TERRELL

What's the Difference? Consignment shopping has taught me one thing. When the labels have been removed, even Holly Golightly cannot distinguish a Givenchy frock from an Oscar de la La Renta. When you get right down to it, the difference between two perfectly tailored black dresses, two authentic alligator pumps and two chic wide brimmed hats is the brand name.

Today, the marketplace for similar fashion goods at all price points is saturated. Therefore, it is imperative for designers to find creative and cost effective ways to distinguish their fashion products from others. An easy way to distinguish one black dress from another is by looking at the label or brand name affixed to the garment.

Fashion leaders like Tom Ford, Ralph Lauren, Vera Wang, and Rachel Zoe have created strong brands that resonate with their niche markets. These brands tell a story, and speak to a specific consumer personality. One reason these designers are so successful is that they have established brand images so arresting that consumers feel compelled to buy whatever product is offered.

Establishing a strong brand, however, is not enough to guarantee success in today's global market. Brand owners must also invest time and resources to protect their valuable "image" from misappropriation. Under current US law, it is legal to copy fashion designs, just not the trademark, or brand name with logo, used to identify them.

Federal trademarks have become the easiest and most cost effective way for fashion purveyors, designers and creative developers to protect their brand image. The government fee for registering a federal trademark ranges from \$275 to \$325 depending on the type of products offered. Plus, many law firms now offer flat fees for trademark assistance starting at \$800, including government fees.

Federal trademarks provide other tangible benefits, including

1. The registration of your Federal Trademark, which establishes ownership of your mark.
2. The option to bring your infringement claim to federal court if ever necessary.
3. The ability to obtain trademark registration in a foreign country more easily.
4. Permission to file with US Customs Service to prevent importation of counterfeit goods.

The rights provided by a federal trademark make them indispensable and the reasonable up front trademark registration costs make them affordable. With all of the potential risks brand owners face today, taking precaution to not let anyone misappropriate your image can protect your brand and grant you the freedom to market your product with peace of mind.

Mariessa Terrell is an intellectual property attorney, brander and founder of SBC Law Group with over 10 years experience providing intellectual property law services to clients as diverse as Lockheed Martin Corporation, Gloria Gelfand & Associates and Guido Lombardi. Prior to starting her own firm, Mariessa worked as Trademark Examining Attorney with the United States Patent and Trademark Office and helped to register thousands of fashion brands including, Revlon, L'oreal, Estee Lauder, Balenciaga, Chanel, Dooney and Burke, Avon and countless others.



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