

Q&A With Karen Artz Ash

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[Fabric and Foundation of Practice]

Tell us about your practice and day-to-day legal work

My primary focus is making sure that I am a knowledgeable, common sense resource for my clients on all matters touching their brands and businesses built on those brands. I represent a range of global fashion and beauty brands. I support these businesses in doing everything possible to safeguard and enforce their names and other proprietary rights, prepare and disseminate promotional and supporting materials that respects the integrity of third party rights and, among other things, develop and negotiate comprehensive agreements covering manufacturing, licensing, advertising, distribution, sponsorship, co-branding, collaborations, campaigns, and just about any form of arrangement that exploits a company's intellectual property.

After more than 30 years of practice, what are some of the more dramatic changes you've observed?

Certainly, the biggest change has been how quickly things move. Everything now requires immediate action, comment, up to the minute response. We have, in general, become an "on demand" society. This makes it harder for companies to make sure they are always doing the right thing, and it makes it more costly for them to do business in general. The creative process is fast and furious. Products and styles are expected to be developed, sourced and marketed with little lead time. From a legal perspective, this requires the ability to develop proper documentation, often with little time. This ultimately requires that attorneys and in-house staffs are prepared with appropriate templates and resources, and that their underlying intellectual property (e.g. trademark portfolios) are in good shape.

On a somewhat different note, one of the very good things I have seen over time is the way that companies have a social conscience, stepping up to support worthwhile causes such as protecting civil liberties, supporting social justice, promoting diversity, protecting LGBTQ rights, and recognizing

the need for adaptive clothing for the physically disabled. Social media has played a strong role in creating the forum for companies to promote and support the greater good.

Advertising has also changed a great deal. Conventional magazine advertising is now just a small part of the ways that fashion brands promote themselves and their products. They use influencers, develop social media campaigns, and show their products and trends on Instagram, Facebook, and Twitter. Things change almost hourly.

[Evolution of Fashion Law]

You've helped shape how a successful fashion law practice operates. Can you talk about the evolution of the practice area?

I know we all talk about "fashion law" as a standalone discipline. In fact, I teach a law school class at New York Law School about Licensing in the Fashion Industry, and I have contributed to multiple books under the title of "Fashion Law." But, the reality is that the term really only reflects a knowledge of a unique (and incredibly varied) industry, and then applying individual disciplines to that knowledge. For example, I am an Intellectual Property lawyer, first and foremost. But, in understanding and learning how fashion businesses and the broader industry works, I apply my skillset to the scope of issues that these businesses might, and do, face. This also means that my practice has expanded to accommodate other knowledge areas, such as bankruptcy, banking, antitrust, and being able to recognize all of these issues. So, "fashion law" is really just a devoted knowledge base of a particular industry. It is now a recognized discipline only because the industry has grown so much, has become so sophisticated, and constitutes such a large part of the world's economy.

[Today in Fashion & Law]

Given the whirlwind of activity, pre- and mid-pandemic, what's your overarching assessment of the state of fashion and law?

These last 18 months have been so challenging and so informative at the same time. I watched as businesses appeared to stop in their tracks and implode, seemingly overnight; magnificent retail locations shuttered; and so many people no longer had the need to dress up. We were (and maybe still are) overwhelmed with just getting through the day, staying healthy, and protecting our families. Everything else seemed almost silly.

But the reality is that the fashion industry supports city and suburban life, is a necessary part of our real estate industry, and provides tremendous employment opportunities. The inability of the fashion industry to thrive has a domino effect. Just walking around New York City over the last year and

seeing the sheer number of abandoned storefronts, underscored the clear interrelationship between the fashion industry, the economy and our daily lives.

The industry has had to adapt, as we all have had to change. In the end, I think it will be a good thing. There is a true appreciation for individual needs, plus a flurry of creativity. A door has opened to new, less traditional approaches. We are seeing this with different types of designers entering the scene, the adoption of creative elements, and a prioritizing of the important things in life. People are embracing a new individuality when it comes to how they dress. I am confident we are all coming out of this as better people.

[Lifestyle]

What has changed for you during the pandemic in terms of how you work, play and serve others?

I have been working remotely for the last 18 months. I start every day by taking a dance lesson with my husband (we do Latin dancing at a ballroom studio). We have coffee together afterwards, and then begin our work day in separate rooms. The physicality and joy of dancing makes me feel ready to face the day. (Recently, my grown daughters and their husbands have taken up dancing, too.) The movement is subtle yet strong and precise – sometimes, requiring adjustment here and there to accommodate the things around you. This is how I face each day with the same skillset.

The pandemic focused a strong light on the difficulties so many others face, when they do not have opportunities or support, do not have equal access to resources, medical care, or employment. While I have always been devoted to pro bono work (and I serve as the NY Pro Bono committee chair at Katten), my role as chair of the pro bono services organization Volunteers of Legal Service (VOLS) has been uniquely rewarding this year. We did so much to support those impacted inordinately by circumstances beyond their control; and the advocacy for the greater good and for society as a whole has really kept everything in perspective.

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CONTACTS

For more information, contact your Katten attorney or any of the following attorneys.



Karen Artz Ash

+1.212.940.8554

karen.ash@katten.com

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