

SMOOTHING CONTOURS: MANAGING DISPUTES



Fashion and Beauty is a rapidly evolving sector with the potential for a variety of contractual disputes. Our aim is to help you to avoid and resolve business disputes at an early stage. Where this is not possible, we look to robustly support you in litigation and ensure the best possible result for your business.

- ▶ Our disputes team has **real sector insight** into Fashion and Beauty, having acted for a wide range of sector clients. In particular we have recent experience in relation to disputes surrounding **agency agreements, brand and royalty agreements, and distribution agreements**.
- ▶ We place great focus on **cost control**, delivering our services in a way that provides you with **clarity on costs** and **certainty of spend**.
- ▶ The Fashion and Beauty sector provides for a wide range of **contractual disputes**, for example:
 - ▶ Distributors continue to take advantage of price differentials by engaging in **parallel** or **"grey market"** imports.
 - ▶ The **fall in the value of sterling** could cause input goods such as raw materials to become more expensive, and may lead to disputes where prices are quoted in a currency other than sterling.
 - ▶ **Exclusive agreements**, particularly relating to supply and distribution, are prevalent in the Fashion and Beauty sector. The industry is rapidly changing and this can lead to brands becoming **locked in** to uncommercial agreements.
- ▶ **Brexit** may lead to various agreements becoming unworkable or unprofitable and to consequent disputes. For example, certain aspects of EU law fundamental to specific contracts may no longer apply. This could cause **uncertainty** and difficult contractual interpretation points. Brexit may also involve increased tariffs and customs duties which could be passed on by suppliers in the form of **price increases**. This would have a particular impact on contracts with committed purchase obligations.
- ▶ The sector is vulnerable to the increasing proliferation of lookalike or "copycat" own brands, offering consumers lower cost alternatives to leading brand products, leading to **intellectual property disputes**.
- ▶ **Product Liability** is a significant area that leads to disputes across the sector. Our team has worked with flagship brand owners including **boohoo.com, JD Sports, Primark and PZ Cussons** and is ranked in the Legal 500 and Chambers for Product Liability.

We do not know where to begin in trying to thank you for your relentless work ethic, determination and tenacity

MANAGING DIRECTOR, NATALIE ROCHE LIMITED

How can we help

AVOIDING LITIGATION	WINNING TRACK RECORD	MANAGING COSTS
<ul style="list-style-type: none">▶ Skilled in providing tactical advice on how best to avoid and resolve disputes at an early stage▶ Providing proactive advice on legislation, regulations, policies and risk exposure▶ A commercially focused approach to contractual interpretation, advising on how to approach problematic agreements in light of your strategic objectives	<ul style="list-style-type: none">▶ Proven experience of bringing and defending complex high-value commercial claims, nationally and cross-border▶ Bringing and defending claims of IP infringement including design rights, trade marks and copyright▶ When disputes do go to trial, a proven track record of winning▶ Outcome focused, providing you with early, concise advice on your position, options and best strategy	<ul style="list-style-type: none">▶ At the forefront of alternative litigation funding including conditional fee agreements, damage based agreements, third party funding and ATE insurance▶ Embedded Transaction Services Team of paralegals▶ Pioneers in the use of artificial intelligence and predictive coding to identify and map important documents quickly and to deliver disclosure exercises at significantly reduced cost▶ HighQ system allowing clients to see real time cost updates and tracking against estimates

Who we have helped

We have acted for a wide range of Fashion and Beauty sector clients including beauty and self-care brands **Lee Stafford**, **Reckitt Benckiser**, **PZ Cussons**, **Jemella**, **Grace Cole** and **The Hut Group** and fashion favourites such as **Primark**, **boohoo.com**, **JD Sports**, **TK Maxx** and **Ted Baker**. We successfully defended **Natalie Roche Limited** in arbitration proceedings brought by a global beauty brand in an attempt to terminate a long term and extremely valuable distribution agreement.

Who to contact

EMMA ARMITAGE

Partner

+44 (0)20 7788 5521

+44 (0)7872 675496



NICHOLAS ASHCROFT

Partner

+44 (0)161 934 6278

+44 (0)7540 558289



addleshawgoddard.com

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