

## CAREER SPOTLIGHT: JOAN BELLEFIELD DAVIS, ESQ.

Joan B. Davis has over a decade of experience representing clients with intellectual property transactions in the areas of entertainment, arts, music, fashion, and luxury goods law. Joan has a master's degree in criminal justice and is a Virginia licensed private investigator. This background has proven valuable in working with authorities to have counterfeit goods removed from online sites such as eBay. Joan was a law clerk to the Honorable Harry L. Carrico, Supreme Court of Virginia. Prior to law school, Joan had a career as a certified mediator in Virginia and Florida where she successfully settled numerous civil cases.

### QUESTIONS & ANSWERS

#### **1. Please briefly explain your career path, and what led you to your current position.**

My journey into the legal profession was far from conventional. Initially, after my undergraduate studies, I embarked on a career as a mediator, launching a family mediation practice in Virginia. However, I soon realized that mediating family cases was not my calling, prompting a pivotal decision to pursue a law degree—a path I had long considered. Following law school, I served as a law clerk for the former Chief Justice Harry L. Carrico of the Supreme Court of Virginia. This experience, while enriching, also allowed me to have the work-life balance that was necessary to explore my passion for fiction writing, leading to the publication of the romantic comedy, *Feng Shui Love*. My foray into authorship inadvertently introduced me to the complexities of legal issues in publishing, from securing permissions to understanding the intricacies of trademarks and branding through my involvement in a jewelry and fashion line. These experiences proved invaluable as I transitioned to my first role practicing law at a small firm specializing in internet disputes, where I handled cases involving counterfeit goods on digital platforms. This niche carved a path to my burgeoning interest in fashion, counterfeits, and intellectual property law. In 2007, my career took a significant turn when I joined forces with my current law partner, a specialist in entertainment law. This partnership not only solidified my interest in the intersection of law and the creative industries but also positioned me uniquely to pursue my interests in fashion law. In 2013, I attended a summer intensive program at Fordham Fashion Law Institute. The program provided a network of lawyers from all over the world specializing in fashion law. My unconventional journey—marked by a blend of creative and legal endeavors—has been instrumental in shaping my current role, firmly grounding me in the field of entertainment/fashion and intellectual property law.

**2. What was the first professional “win” that made you confident that you belonged in your specific role or the fashion industry overall?**

My first notable victory that cemented my belief in my chosen path occurred early in my career when I successfully defended a fledgling fashion designer’s unique brand identity. The U.S. Patent and Trademark Office (USPTO) initially denied the trademark application due to alleged similarities with an existing trademark, potentially devastating for my client’s budding business. Leveraging my understanding of intellectual property law and crafting a persuasive argument that highlighted the distinctiveness of my client’s trademark, I managed to overturn the USPTO’s office action decision. This triumph not only secured my client’s trademark but also underscored the importance of diligent legal strategy in protecting creative assets. This experience was instrumental in affirming my commitment to the fashion industry and intellectual property law, reinforcing my belief in the significance of legal advocacy in the creative world.

**3. In your experience, what are some common misconceptions or misunderstandings that fashion brands or designers have about intellectual property rights, and what advice do you typically offer to help them protect their assets effectively?**

One prevalent misunderstanding among fashion brands and designers is the notion that all aspects of their designs are automatically protected by copyright. It’s crucial to recognize that in the United States, the design of a garment itself is generally not eligible for copyright protection. This contrasts with the European Union, where copyright protection is extended to certain fashion designs for a period of time. My advice to clients always centers on the importance of their brand as their most valuable asset. I underscore the necessity of brand protection through trademark registration. A unique brand identifier not only distinguishes your products in the marketplace but also serves as a legal safeguard against infringement. Furthermore, for elements such as prints on fabric, copyright registration becomes a viable strategy for protection. This, coupled with an understanding of design patents, can offer a comprehensive intellectual property strategy. Design patents, in particular, can protect the ornamental design of an item, providing an additional layer of security for unique product features. In essence, navigating the complexities of intellectual property rights requires a multifaceted approach. Starting with trademark registration to protect your brand, exploring copyright for specific design elements, and considering design patents for unique product features are fundamental steps. This strategic approach ensures that fashion brands and designers

not only understand their rights but also implement effective measures to protect their creative assets.

#### **4. How do you stay up to date with the ever-evolving entertainment law landscape?**

Remaining current in the rapidly shifting landscape of entertainment and fashion law is a constant endeavor, one that I approach with both dedication and genuine enthusiasm. My strategy for staying informed involves a multifaceted approach that includes attending seminars and conferences, both in person and online. These gatherings are pivotal not only in the U.S. but also on an international scale, specifically within the realms of entertainment and fashion law, affording me the opportunity to stay abreast of global trends and legislative changes. Additionally, I engage with industry-specific publications such as Women's Wear Daily (WWD) and Vogue Business, alongside various blog posts and LinkedIn news updates. This blend of learning and networking opportunities ensures that my knowledge remains at the cutting edge, driven by a passion for the industry that makes this continuous learning process feel less like work and more like a pursuit of my interests.

#### **5. Since you have diverse clientele from around the world, how do international considerations impact the enforcement and protection of intellectual property in entertainment, especially in a globalized market?**

Navigating the complexities of intellectual property enforcement and protection in the entertainment industry on a global scale presents unique challenges and opportunities. The globalization of the market means that intellectual property rights must be vigilantly protected not just domestically, but also across international borders. This requires a nuanced understanding of various legal systems and the ability to work within them to safeguard the interests of clients. One critical aspect of this international landscape is the requirement for every applicant seeking trademark protection in the U.S. to appoint a licensed U.S. attorney as their domestic representative. This protocol underscores the importance of having trusted legal representatives in each jurisdiction where protection is sought. In my practice, this has translated into a reciprocal network of referrals with colleagues worldwide. I serve as the U.S. domestic representative for their clients, and they do the same for mine in their respective countries. This collaborative approach is underpinned by the relationships I've cultivated through the international fashion law LLM program at Luiss Carli University School of Law in Rome, Italy, among other platforms. These connections are invaluable, providing a

robust framework for addressing the multifaceted challenges of international intellectual property law. They enable us to offer comprehensive support to our clients, ensuring that their creative assets are protected around the globe, which is essential in today's interconnected market. Ultimately, the globalized market demands a global perspective and a network of professionals who are not only knowledgeable about their local laws but also deeply interconnected with their counterparts in other jurisdictions. This collaborative network is pivotal for effectively navigating the international considerations that impact the enforcement and protection of intellectual property in the entertainment industry.

**6. What role did your background in literary and fashion law play in the success of your co-authored book, *Feng Shui Love*, and its related merchandise?**

My dual background in literary and fashion law played a pivotal role in the success of *Feng Shui Love* and its related merchandise. On one hand, as an author, I immersed myself in the creative process, focusing on storytelling without letting legal concerns hinder my imagination. This separation from law allowed for the free flow of ideas and the development of a narrative that truly resonated with readers. On the other hand, my legal expertise provided a solid foundation when it came time to navigate the complex legal landscape surrounding the publication and merchandising of the book. This included understanding copyright laws to protect my work, negotiating contracts, and dealing with the intricacies of licensing agreements for merchandise. By effectively wearing two hats, I was able to not only create a successful literary piece but was also able to ensure that all legal aspects were meticulously handled, thereby safeguarding the creative and commercial interests of *Feng Shui Love*. This unique blend of skills underscored the importance of having a comprehensive understanding of both the creative and legal realms, ultimately contributing to the project's success.

**7. Please share the inspiration behind your pro-bono program “Coffee with an Art Lawyer,” and how the program has benefited artists and creatives.**

The inspiration for the pro-bono program “Coffee with an Art Lawyer” originated from my experiences with the Young Lawyers for the Arts Program. During my time there, it became evident that while workshops and presentations provided valuable information, many artists and creatives remained hesitant to ask questions publicly. Instead, they would wait until the end of the session to approach us with specific

inquiries, often as simple as where to file a copyright. Recognizing this pattern, I felt compelled to create a more accessible and informal setting where artists could feel comfortable seeking advice. Thus, “Coffee with an Art Lawyer” was born, offering a casual environment for artists to discuss their questions over coffee. This setup not only demystifies the legal aspects of the art world for them but also often allows for their concerns to be addressed in a single session, sparing them the expense of formal consultation fees. Through this initiative, we’ve been able to directly support the creative community, empowering artists by providing them with the knowledge and tools needed to navigate the legal landscape of their professions.

**8. What is some advice you would give to law students interested in working in your field, and what are some action items they can execute now to stand out?**

For law students aspiring to carve out a niche in the realm of intellectual property and/or entertainment/fashion law, my primary piece of advice is to immerse yourself in intellectual property courses. The legal landscape is ever evolving, and a comprehensive understanding of intellectual property law is indispensable. Seek out and connect with professionals already established in the field. This industry thrives on connections and practical insights that often transcend what is taught in classrooms. Attending conferences dedicated to fashion law, intellectual property, and entertainment law is not only enlightening but also provides a platform for networking with seasoned professionals and peers alike. Moreover, joining associations related to intellectual property, fashion law, and entertainment law is a strategic move. Such associations often host events, workshops, and seminars that are treasure troves of knowledge and networking opportunities. Many associations offer discounted or even free memberships for students, making it an accessible way to start building your professional network early. In summary, the keys to standing out in the field of intellectual property and entertainment law are a solid educational foundation, proactive networking, and active participation in relevant associations. These steps not only enrich your knowledge base but also significantly expand your professional network, setting a robust groundwork for a successful career in this dynamic field.