Brand Licensing & Related Transactions

Global Vision

In today's global marketplace, a company's brand is among its most important and valuable assets. To leverage this value, Kilpatrick strategically develops, structures, drafts, and negotiates trademark license agreements, co-branding agreements, joint venture agreements, franchise agreements, and related technology transfer, distribution, manufacturing, and supply agreements. We also conduct intellectual property due diligence associated with mergers and acquisitions that includes brands and their goodwill and other related intellectual property. Our counsel on pre-transaction and post-transaction issues ensures that our clients make the most informed business decisions to meet their brand and business objectives, including those involving trademark enforcement and regulatory compliance with national and international laws.

Reach

Relationship Managers

Brand licensing and related transactions often provide their owners with a near effortless stream of revenue and potentially create new markets and expand existing markets with less risk and at a lower cost. However, to benefit and protect both parties, these relationships must be properly managed. Our attorneys have experience on both sides of these transactions, and consequently understand each side's perspective. Whether assessing asset and market value, developing agreement strategies, or negotiating and drafting agreements, we deliver tailored advice and agreement terms through a long-term lens — enabling our clients to effectively manage their business relationships throughout the agreement and after it ends. We also provide agreement templates and alternative agreement provisions to help clients more efficiently and effectively negotiate with third parties, while still protecting their intellectual property assets and proprietary interests.

Approach

Highly Specialized

Our ability to integrate across multiple practice areas — from intellectual property protection and enforcement to corporate, tax, and employment — allows us to effectively anticipate our clients' comprehensive needs in virtually every industry. Many of our attorneys also have experience with highly specialized subject areas and the unique brand-related issues each entails — including open source software, privacy and security issues, antitrust, and competitive bidding and pricing. This in-depth experience enables us to offer customized fee arrangements for licensing programs and related transactional matters, including flat fee rates, blended rates, and capped fees.

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