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DESIGNER STEVE MADDEN TALKS IP AT CARDOZO



October 23, 2019

Designer Steve Madden started his conversation in Cardozo's Moot Court Room with a confession: "I'm thinking I should've worn better shoes."

Madden's outspoken personality and honesty continued to shine through at the FAME and Fashion Law Society (FLS) event "An Evening with Steve Madden" on Oct. 17. Aya Kanai, Chief Fashion Director at Hearst Magazines, moderated the discussion. Kanai asked Madden about the challenges starting his business, promoting a fashion brand in the digital age and even his jail time.

"I wish I hadn't gone," Madden said of his time in prison, which is detailed in the recent Netflix documentary "Maddman." "We have a high percentage of incarcerated people in America," he added. "And it's not working."

Kanai asked about avoiding legal troubles in the modern age and how Madden is keeping his brand safe.

“We’re trying to make it easier for Gucci to sue us,” Madden joked. “The bigger you are, the bigger the bullseye on your back.”

Kanai asked Madden how the company has grown from Madden’s beginnings selling shoes from the trunk of his car.

“I was trying to pay the rent,” Madden said.

Madden spoke about acquiring companies and building a robust portfolio to complement his namesake brand. His company now owns the license for several other shoe brands, including Dolce Vita and Betsey Johnson. He spoke about the decisions he made when determining which brands were best for his business. “Steve Madden is the most copied shoe line in the world,” he said.

Madden also discussed the increasing importance of corporate social responsibility (CSR) and the tension between achieving CSR and the need to make money, asserting that they can’t have CSR without money.

“The highest calling is to make money,” Madden said, noting the jobs that were created thanks to the shoe line. “We could do so much good.”

Kanai also asked how an Intellectual Property (IP) lawyer can manage the “vast gray area” of a shoe or other creative brand. Madden responded that his company is a “stew” and “big pot” mixing with ideas, and keeping track is often a challenge. But he said that is where the innovative thinking of fashion lawyers can become an asset. “Creativity is important in everything you do... it’s not necessarily writing or art,” he said. “You have to be creative, you have to think differently.”

When Kanai asked for questions from the packed audience, Adjunct Fashion Law Professor Douglas Hand asked Madden about his decision to name the brand eponymously.

“You lose control over what your name is attached to,” Madden admitted. But he said he hopes his brand continues to stay close to his aesthetic. “One day I won’t be here,” he added.

Madden expanded on IP issues before the event in an interview moderated by 3L Simone Dvoskin, the FLS External Vice President and Arts & Entertainment Law Journal Senior Articles Editor.

“People have a saying and want to put it on a T-shirt. So how do I make sure that it’s my saying? ... You have to own your IP,” Madden said.

After the event, which reached full capacity, Dvoskin noted: “I thought Aya was a great moderator and asked pertinent questions, especially for our audience. I was also amazed at the reception because so many alumni stuck around afterward... it felt like a real community blossomed last night, with friendly faces everywhere... catching up with old friends and meeting new Cardozoites.”

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