

Spade Wins Settlements From Gap, Fashion Express

NEW YORK — Taking an aggressive stance against knock-offs, handbag designer Kate Spade recently took on a giant, Gap Inc., and is claiming a victory.

According to Spade's lawyer, Neil Burstein, the Gap's Banana Republic agreed to stop selling copies of the designer's bags and not to sell, distribute or advertise any similar bags in the future. He said the chain was selling a line of black nylon bags in the same shape and size as Spade's signature line of handbags. The bags also bore a Banana Republic label in the same size, color, typeface and placement as Spade's line, he said.

A spokeswoman for the Gap confirmed that a claim was made by Kate Spade and that a settlement was reached in the matter, but declined to confirm the nature of the claim or details of any agreement.

Spade also won out against a

manufacturer, Fashion Express, which has agreed to cease sales and marketing of infringing designs and recalled additional merchandise in its manufacturing pipeline, according to Burstein. The attorney said it too was selling bags in the same style and size as Kate Spade's and that the bags bore labels in the same size and typeface as the Spade label. Fashion Express also agreed to pay what Burstein referred to as substantial damages.

Marshall Gold, president of Fashion Express, refused to confirm or deny any agreement with Kate Spade, except to say that any dealings with the Spade company were confidential.

Both cases were resolved without formal litigation, said Burstein, who noted that Spade intends to pursue this aggressive course against infringements of her trademark and copyrights.

— Wendy Hessen

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