
IP Shareholder Peter T. Wakiyama Quoted in The Fashion Law Article about the Wearable Tech Industry

The Fashion Law

August 5, 2024

Peter T. Wakiyama, IP Shareholder & Lead of Flaster Greenbergs Privacy, Cyber Security & AI Practice Group, was quoted in a *The Fashion Law* article, *Wearables Highlight New Legal Frontiers as Tech, Fashion Overlap*.

Data is another important aspect to consider in the wearable tech industry. Peter Wakiyama, whose practice focuses on copyright and technology, asserted that an emerging legal front in the wearable tech world and how it differs from IP issues in the traditional fashion world is data collection.

I would say one key difference is the value of the data at play, Wakiyama said. The data that these tech devices are collecting is intellectual property. And the manufacturers and designers of what you might call traditional fashion arent able to gather and harvest data with those traditional products in the same way that a smart watch could, for example. The data that these devices collect has huge value for training AI, cross marketing, and market analytics, for example and thats a big distinction that gives wearable tech a huge appeal to traditional brands, even if theres more up front costs, according to Wakiyama.

Creative presentation of the collected data a companys collection of the data and how it presents that information is emerging as a contentious forefront in the wearable tech space and if the data is organized in a creative compilation then copyright would apply, Wakiyama said. Say data from my Fitbit watch, if I organize this by day, type of workout, what I was wearing at the time, what I eat for breakfast this morning any of that. There are many different ways to structure and arrange the data and this is all information youre not normally going to be able to fight over in traditional patent or trademark cases.

Even now, for instance, there are a number of copyright registrations that exist for FitBit in the form of visual arts. Its smart for companies to take advantage of these copyrights when it comes to tech, Wakiyama said, noting that it is a low hanging fruit and its relatively inexpensive.

Read the article [here](#). A subscription is required.

ATTORNEYS MENTIONED

Peter Wakiyama