
Inside Track: Estée Lauder and INTA

Gregg Marrazzo, president of INTA and senior vice president and deputy general counsel at The Estée Lauder Companies, reveals how he tackles the challenges of overseeing a multi-brand portfolio

Overseeing the IP function at an international brand is no mean feat for even the most experienced trademark counsel. Multiply this by almost 30 and the challenge might seem almost insurmountable. But this is a task that Gregg Marrazzo, the 2012 president of the International Trademark Association (INTA), handles deftly on a daily basis.

Marrazzo is senior vice president and deputy general counsel at The Estée Lauder Companies, having assumed the role in 2010. Before joining the cosmetics giant, Marrazzo served as vice president – chief counsel, intellectual property and global marketing at Kimberly-Clark Worldwide, Inc, with an equally diverse brief encompassing trademark, patent, copyright and general legal work.

“I was working at Kimberly-Clark Worldwide when I received a call from someone I knew at Estée Lauder to say that the head of the group was retiring,” recalls Marrazzo. “I spoke to the company and the more I learnt about it, the more excited I became; the rest, as they say, is history. In terms of the roles, the type of work is very similar; where it differs is with regard to the specific industries. Kimberly-Clark, while it has a marketing perspective, is very driven by technology and is a cost-driven business. It is very patent-centric. At Estée Lauder, while obviously patents are important – and continue to grow in importance – it is essentially a brand and advertising-driven business. So from a trademark perspective, it was an exciting opportunity.”

Marrazzo is responsible for Estée Lauder’s entire IP portfolio, including trademark, patent, copyright, licensing and talent matters. The sheer scale of this remit might be daunting to some: “We have about 25,000 active records worldwide. When people hear Estée Lauder, they think of the Estée Lauder brand, but we are actually a company of 29 brands – everything from Estée Lauder to Mac Cosmetics to Bobbi Brown to Clinique to Jo Malone to Bumble and bumble. The list is quite extensive, so it is a diverse, brand-driven portfolio. Each of the brands has a particular demographic and audience, so we really have to make sure that we focus on that and deliver products to our customers.”

And just as the company itself strives hard to satisfy the demands of its customers, so too does the IP team – “making sure that every individual brand thinks that it is the most important one”.

A 360-degree view of product protection

Helmed by Marrazzo, the Estée Lauder IP team is some 20 strong, comprising four further trademark attorneys, four patent attorneys and support staff. Team activities are structured along brand lines, with certain individuals specialising in certain brands. “The upside of this approach is that you really become an expert with regard to those particular brands,” says Marrazzo. “The downside, I guess, is that you may not know as much about the others. But by and large, we feel that the approach we are taking is the best one.”

While its individual members may focus on specific brands, the team as a whole adopts an integrated approach to IP protection, based on “a bundle of rights” and embedding intellectual property into the different levels of product development.

“We are trying to create a process that means that when we have a major project, we will have a patent team member and a trademark team member working with the research and development people, with the marketing people – even with the manufacturing people,” explains Marrazzo. “This means that we can see how a product is going to look and can assess whether there is the possibility for patent protection. We can ask whether it is trademark driven and consider that protection. What we want to do is to create exclusivity around a particular product, so whatever drives that particular product is what we are going to focus on.”

The IP team must thus be involved from the very outset, so that proactive advice relevant to the specific strategic goals can be given. “The later this happens in the process, the more difficult it is to provide options, because you are already so far down the road,” says Marrazzo. “So we have tried very hard – and succeeded – to get involved in the early stages of the process. Now, if we are at the early stages in an idea, we may get the patent people in to see whether there are any patent issues or opportunities. And then, because we are integrated, we will know about it and be able to get the trademark team involved. So far, this approach really seems to be working.”

Lessons in trademark law

Successfully achieving this level of interactivity depends on two complementary factors – a corporate understanding of trademarks and the IP team’s ability to root advice within a practical commercial context. The former is fostered through a continual company-wide process of education. Marrazzo gives the marketing



department as an example: “We have to partner with colleagues in marketing so they can see we are here to help and come up with positive options. But by definition, marketing people tend to turn over quite often. A new class comes in as people move up and work on different brands. And the people coming in may not have as much of an appreciation as those who were there before. So we have to continue those efforts from the bottom up. But we also have to work from the top down, working with brand presidents to that they

understand, from a strategic perspective, how their brands fit in, how important they are, what we are doing to enforce.”

To impart this insight, the team at Estée Lauder frequently engages in presentations – particularly when there is a change in marketing staff, as this formalised approach is the quickest and most direct way to bring new personnel up to speed.

However, taking the time to explain the advice being given and adopting a commercial perspective present further opportunities to expand on the issues surrounding IP protection: “Clearly, part of our responsibility is always helping a client to understand why the advice is being given, so there are constant opportunities for dialogue. Forming that partnership, the thing that sets in-house counsel apart is the ability to understand the business, understand its strategy and then tailor advice to that particular strategy. I tell people all the time that if they strictly want legal advice, outside counsel can provide that. The added benefit we bring is being both a legal and business partner.”

And if external expertise is required, this same demand for business-rooted advice is extended to their legal partners. Marrazzo explains: “We have outside counsel that we use on a regional and international basis, and there are some instances where – depending on the jurisdiction – we have specific counsel for particular countries. We are blessed with a team that has significant experience, so our view is that, to the extent that we can counsel on selection and protection, we will do so ourselves. But when we need to have outside counsel involved – for example, in an *inter partes* proceeding or litigation, or on a particularly sticky issue – we certainly get them involved. As with internal relations, our view is that the relationship should be one of partnership. We want to partner with outside counsel, with them understanding our business so that they can provide meaningful, practical advice. I think we have accomplished that, but we will continue to strive to improve those relationships.”

With regard to the specific trademark challenges that Estée Lauder faces, Marrazzo identifies three areas of concern. The first, shared with most brand owners, is the complex interrelationship between trademarks, IP rights and privacy: “Social media has changed the game and we are constantly working with our colleagues to understand ownership rights and what we can use. It’s really a new frontier.” The second concern – the growing counterfeit threat – will likewise be familiar to most of Marrazzo’s peers.

The third challenge he mentions stems specifically from Estée Lauder’s corporate structure, and relates to the formidable workload that ensues from managing 29 leading international brands. Here,

“We have to partner with colleagues in marketing so they can see we are here to help and come up with positive options. But by definition, marketing people tend to turn over quite often. A new class comes in as people move up and work on different brands. And the people coming in may not have as much of an appreciation as those who were there before”

60-second interview

What aspects of your job do you find the most challenging?

In Estée Lauder, the big challenge is staying abreast of what is going on in terms of the intersection of different types of rights, and trying to understand social media and the interplay between marketing, communications and digital.

What aspects do you find the most rewarding?

To me, it's watching my team grow – I take my role as a mentor very seriously. To see my team expand its capabilities is clearly the most rewarding aspect.

Who has been the greatest influence on your career?

A fellow by the name of Allan Kurtzman, who was president of Max Factor & Co. When he was the president, I was serving as his lawyer and he taught me to trust myself and always to speak the truth. And, importantly, to be very nice when doing so.

If you could make one change to the industry, what would it be?

I guess I would want to find a way to communicate to the public how important brands are and how important it is to protect those brands, whether for a big or small organisation. Brands communicate to consumers and we want to make sure people truly appreciate that.

What career do you think you would have followed if not law?

I think I would have looked at architecture or interior design. That said, at one point I wanted to be an ice hockey player, but I just didn't have the skill.

Marrazzo draws strength from the support that the team receives from wider management: "If you look at our company, you can see that people appreciate how important our brands are, and the board is in total support of our branding efforts. Our senior management is very brand focused and everyone involved believes that our trademarks and brands are instrumental in driving our business."

This appreciation of the power of brands means that although Marrazzo has been at Estée Lauder for less than two years, his external initiatives have been warmly received: "The general counsel has been nothing short of terrific in terms of her support of my activities at INTA. She understands the importance of branding and we talked about my activities when I came in. I have had total support."

Turning to policy

Prior to assuming the presidency of INTA, Marrazzo served as its president elect and as chair of the planning committee. He has also twice served on INTA's board of directors and volunteered on a range of committees, including the executive, finance, anti-counterfeiting and enforcement, and programmes committees.

This deep involvement has allowed him to develop a clear sense of the association's workings, and in that respect the presidency represents a natural continuation of his previous experience – although he "appreciates the depth of knowledge exhibited by both the staff and officers more and more every day".

Marrazzo confirms that his role in INTA has helped to shape his trademark approach, together with the knowledge of experience: "As you become more involved in INTA, you certainly develop a real appreciation of the policy side of IP – how policy is critically important. And as you gain more wisdom over the years, your



perspective broadens and you start to think more strategically."

Industry policy is thus an increasing priority – which is just as well, given the recent high-profile protests at legislative attempts to curtail online piracy. With IP-related events making headlines in the mainstream press and the debate evolving on an almost daily basis, a helicopter view is now vital.

WTR spoke to Marrazzo the day after EU Trade Commissioner Karel De Gucht explained in an official statement that he was referring the Anti-Counterfeiting Trade Agreement (ACTA) to the Court of Justice of the European Union (ECJ) to assess whether it is compatible with the European Union's fundamental rights and freedoms (a European Parliament committee subsequently decided not to refer ACTA, meaning that the European Parliament will now look to vote on the treaty in the coming months).

De Gucht stressed at the time that the move was intended to allay concerns over the treaty, rather than an vote of no confidence in its provisions, explaining that clarity from the ECJ would "help support a calm, reasoned, open and democratic discussion on ACTA – whether at the national or at the European level".

INTA is a supporter of ACTA and Marrazzo felt that a referral, if resulting in a swift assessment, would pave the way for consent to the treaty by the European Parliament and ratification by member states. He commented: "We are looking at the referral to the ECJ as just a slight setback – an extra step. We are hopeful that the ECJ will review the matter based on the facts and we can then dispel some misconceptions about online piracy. In some respects, this is not a bad idea – there are misconceptions out there, and it could be very useful to have a body like the ECJ take the information and, in a simple way, explain why it makes sense."

Estée Lauder at a glance

- Estée Lauder was founded in 1946 in New York City. The company subsequently established an international presence in 1960 in London, with a presence in Hong Kong following in 1961.
- The company's products are sold in 150 countries.
- In fiscal year 2011, it recorded net sales of \$8.8 billion.
- Brands include Estée Lauder, Aramis, Clinique, Prescriptives, Lab Series, Origins, M-A-C, Bobbi Brown, Tommy Hilfiger, Kiton, La Mer, Donna Karan, Aveda, Jo Malone, Bumble and bumble, Darphin, Michael Kors, American Beauty, Flirt!, GoodSkin Labs, Grassroots Research Labs, Sean John, Missoni, Tom Ford, Coach, Ojon, Smashbox and Ermenegildo Zegna.

latter is something we are tackling from a committee perspective, through education, by working with government officials around the world. It is based on the notion of having an impact through policy advocacy, as well as education."

Marrazzo is looking forward to this year's INTA Annual Conference, hoping that he can find the time to attend some sessions. "I am expecting nothing short of a terrific conference," he enthuses. "There are sessions on social media and the Internet, ambush marketing, indigenous rights – the list goes on. As a personal observation, you hear about the protection of indigenous rights and it is an area that I really believe will become more important over the next 10 years. If I could attend just one session, it would be that one." [WTR](#)

While it means that ACTA will be voted on sooner, the decision not to refer the treaty to the ECJ could now mean that an opportunity to bring clarity to the debate has been lost.

Turning to other areas of focus for his presidency, he expands: "We will continue to focus on the harmonisation of trademark law, and we want to provide standardised platforms to the various governments to try to help them – as well as brand owners – to be able to conduct business internationally and know what will happen when they enter a market.

"The whole notion of anti-IP sentiment is also something we are looking at, and another area of focus is anti-counterfeiting. The

Trevor Little, World Trademark Review

**TRADEMARKS - PATENTS - COPYRIGHT - DESIGNS - DOMAIN NAMES
IP LICENSING - IP AUDIT - GEOGRAPHICAL INDICATIONS - IT LAW
SEMICONDUCTOR IC DESIGNS - ENFORCEMENT - LITIGATION**



S.S. RANA & CO.

Intellectual Property Law

317, Lawyers' Chambers, High Court of Delhi, New Delhi 110003, India
t : +91-11-3056 2000 (10 lines), +91-11-2338 4491 f : +91-11-3056 2010, 2338 6201
e : ssrana@ssrana.com w : www.ssrana.com