



February 2021



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The February 2021 issue of Sterne Kessler's Markt to Market® newsletter discusses tips for co-branding arrangements in light of the recent collaboration between K-Swiss and Girl Scouts and an update on access to medical cannabis products in Ireland.

Sterne Kessler's [Trademark & Brand Protection practice](#) is designed to help meet the intellectual property needs of companies interested in developing and maintaining strong brands around the world. For more information, please contact [Monica Riva Talley](#) or [Tracy-Gene G. Durkin](#).

IN THIS ISSUE

[Two Great Tastes That Taste Great Together! Tips to Ensure Co-Branding Arrangements Help Your Brand Rise to the Top](#)

[Watching the Pot™](#)

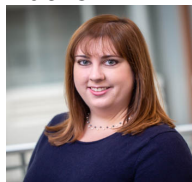
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TWO GREAT TASTES THAT TASTE GREAT TOGETHER! TIPS TO ENSURE

CO-BRANDING ARRANGEMENTS HELP YOUR BRAND RISE TO THE TOP



By: [Shana L. Olson](#)

In one of the more drool-worthy co-branding deals we have seen, K-Swiss [recently announced](#) a new line of Court 66 sneakers inspired by popular Girl Scout cookie flavors. The shoe boast colors and design elements inspired by Thin Mints, Samoas (sold as Caramel deLites [in some markets](#)), and Trefoils cookie brands.

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WATCHING THE POT™

The Green, Green Grass of Home

By: [Deborah Sterling, Ph.D.](#)

Medical cannabis access in Ireland took another step forward last month when Minister for Health, Stephen Donnelly, introduced funding and eased the ways for patients to get access to it.

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The Girl Scouts are no stranger to licensing their iconic brands – other cookie-themed collaborations in recent years include [Yoplait yogurt](#), [Nestle Crunch candy bars](#), [Dunkin' Donuts iced coffee](#), [Bigelow tea bags](#), and [Pillsbury baking mixes](#). Here are some things that brand owners should consider when entering into a co-branding deal with another company:

1. Carefully select a co-branding partner that will result in a mutually beneficial relationship for both brands. Successful partnerships can introduce the products of one company to the customers of the other. In the case of the K-Swiss collaboration, current and past Girl Scouts looking for fashionable footwear are introduced to K-Swiss sneakers, and K-Swiss fans may have a new reason to buy Girl Scout cookies this winter season – to match their shoes! Plus, the collaboration lends itself to some downright cute design elements K-Swiss would not otherwise be able to integrate into its footwear:

Source: kswiss.com/pages/girl-scouts-collection

2. Maintain strong quality control over all co-branded products. Quality control is always important to the integrity of a brand's trademarks – in the case of co-branding, both companies need to ensure that the co-branded products are up to their quality standards to protect the reputation of their brands. A co-branding agreement should allow for both parties to inspect the co-branded products to ensure that both parties are abiding by the agreed-upon standards.

3. Outline a formal process for handling disputes between the parties and customer complaints about co-branded products. Co-branding can be all sunshine and rainbows in the beginning, but like any partnership, problems can arise. Strong licensing agreements include specific provisions for how both parties are expected to handle not only disputes with each other, but also complaints from customers.

4. Ensure that both brands are featured prominently on all co-branded packaging so that customers associate both brands with the products, and that branding for both companies conforms to specific branding standards. Customers should be able to easily identify the two sources of the products based on the packaging. In the case of the fun K-Swiss collaboration, the shoe box design that looks like a cookie box is easily identifiable by cookie fans, and includes K-Swiss branding too.

Having strong legal protections in place for both brands can result in a sweet deal for both companies – and can prevent any negative effects on the brand reputations of both parties so that nobody gets burned. And, as the K-Swiss/Girl Scouts collaboration illustrates, such undertakings can help boost the brand profile of both parties – while resulting in some unique offerings that can capture consumer hearts and...soles.

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Medical cannabis access in Ireland took another step forward last month when Minister for Health, Stephen Donnelly, introduced funding and eased the ways for patients to get access to it.

The [Medical Cannabis Access Programme \(MCAP\)](#), enacted in 2019, is a five-year pilot program to facilitate access to cannabis-based products for medical use that are of a standardized quality and which meet the requirements outlined in the Misuse of Drugs (Prescription and Control of Supply of Cannabis for Medical Use) Regulations 2019. However, patients had to apply with Irish health officials to take part in the program.

That changed at the end of January 2021, when Mr. Donnelly confirmed that the MCAP has been added to the Health Service Executive Service Plan for 2021. This means medicinal cannabis is now legal and can be accessed with a proper prescription for a certified condition from a qualified doctor. Certified conditions are those which have failed to respond to standard treatments and include spasticity associated with multiple sclerosis; intractable nausea and vomiting associated with chemotherapy; and severe, treatment-resistant epilepsy.

Once acceptable medical cannabis products are provided by suppliers, the MCAP will make them available to medical consultants to prescribe. The Health Products Regulatory Authority (HPRA) has deemed four products acceptable and further products are currently being assessed. A variety of medical cannabis products and access via prescription brings hope to the many patients in Ireland for whom medicinal cannabis is the only form of relief or symptom management.

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