GARRIGUES

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Intellectual Property
Fashion Law
Media and Entertainment
Technology, Communications and Digital

Cristina Mesa is a partner in Garrigues' Intellectual Property Department and specializes in digital law, electronic commerce, advertising and consumer affairs. She handles both the management of complex lawsuits and also provides advice on contracts and the strategic management of intellectual property rights. She has extensive experience in advising trendsetting technology companies. She has been singled out by Chambers & Partners, Legal 500 and IP Stars (Managing IP). Cristina holds an LL.M. in International Business and Trade Law (Magna Cum Laude) from Washington College of Law and a Law Degree and a Political Science and Public Administration Degree from Universidad Carlos III in Madrid. She is also admitted to practice law in New York State.

At Garrigues, Cristina also coordinates the fashion and luxury business line, providing integral advice to businesses in the industry. In 2015, she launched the first program in Spain on fashion law and currently coordinates the legal modules of the specialized programs offered at Centro de Estudios Garrigues.

Experience

Cristina Mesa joined Garrigues in 2008 and has been a partner in the firm's Intellectual Property Department since 2021. She practices in the areas of intellectual property law, e-commerce, consumer affairs, advertising, unfair competition, AI, freedom of expression and information and web3 environments. She also advises businesses in the retail and fashion industries. Cristina oversees complex lawsuits and provides ongoing advice on contracts and strategy.

Over the course of her professional career, she has participated in extremely complex lawsuits, including:

- Legal proceedings in connection with the infringement of intellectual property rights (e.g. software, sui generis rights in data bases and 3D printing), industrial property (including pan-European trademark actions, registered and unregistered industrial designs and patent infringement), unfair competition (acts contrary to good faith, misleading acts, taking advantage of third parties’ contractual infringement,) and breach of trade secrets.

- E-commerce lawsuits related to consumer legislation (class-actions), with particular emphasis on the supply of digital content and the management of marketplaces, the liability of digital providers (including platforms and search engines) and mediation in relation to the P2B2C Regulation.
- Lawsuits regarding the defense of freedom of expression and information and the right to honor, privacy and one's own image.

She also provides recurring advice on contracts and participates on an ongoing basis in M&A deals involving intellectual property aspects:

- Ongoing advice on contracts, including licenses, assignments, franchises and agency agreements, focusing in particular on selective distribution networks.
- M&A deals focusing on innovation and technology, including due diligence processes and regularization of pre- and post-closing contingencies.
- Adaptation and localization of digital businesses, including compliance with legislation on e-commerce (LSSI), consumer affairs (LGDCU) and liability (DSA, P2B2C).
- Advice on the implementation of disruptive businesses in web3 environments, including the use of algorithms, AI, virtual and increased reality, 3D printing and tokenization of NFTs.

Finally, Cristina has extensive experience in providing strategic advice in relation to the management of intellectual property rights and new technologies, supported by the experts at Garrigues Industrial and Intellectual Property Agency.

Academic background

- LL.M. in International Business and Trade Law (Magna Cum Laude), Washington College of Law.
- Law Degree, Universidad Carlos III de Madrid.
- Degree in Political Science and Administration, Universidad Carlos III de Madrid.
- Associate's Degree in Design and Illustration, Escuela de Arte de Toledo.

Teaching activity

Cristina is a regular speaker at specialized national and international forums including IBA, UIA, AIPPI, OEPM, ICEX, aDigital, FIDE and DENAE, among others. She has also taught at several universities, including Universidad Carlos III de Madrid, Universidad de Navarra, ISDI, Instituto Europeo de Diseño, Universidad Europea and Peking University.

She teaches in several programs at Centro de Estudios Garrigues, including the Executive Master's Degree in Digital Law and Technology. She also directs or coordinates the following programs:

- Director of the Executive Fashion Law Program: Digital Transformation in Retail and Fashion at Centro de Estudio Garrigues, a program she created in 2015.
- Coordinator of the Access to the legal profession program + Master's Degree on Luxury and Fashion at Centro de Estudio Garrigues, a program that she created and subsequently directed between 2017 and 2020.

- Coordinator of the legal module of the Executive Master’s Degree in Luxury and Fashion at Centro de Estudios Garrigues.

Memberships

- Madrid Bar Association.
- Member of the New York Bar since 2010.
- Member of the International Bar Association (IBA) and of the Technology and Intellectual Property Committees.
- Secretary of the Spanish Association of Entertainment Rights (DENAE).
- Deputy Secretary of the Spanish Fashion Academy Foundation (FAME).
- Member of the legal committee of Alastria and co-coordinator of the Art and Digital Culture Working Group.
- Member of WLW.

Distinctions

Cristina has been recognized by some of the most important legal directories, including:

- Chambers & Partners Europe Intellectual Property: Copyright: "Cristina Mesa attracts praise for her fashion sector knowledge and her work on copyright litigation mandates. She has experience in cases that seek to extend copyright protection to 3D designs and regularly advises on database rights and trade secrets cases. One client highlights that 'she is extremely knowledgeable and her technical background is amazing'".
- Legal 500: Intellectual Property: Copyright: "Cristina Mesa is an excellent lawyer and handles the issues referred to with great ease and brilliance".
- Legal 500: TMT: "Special mention to Cristina Mesa, reference lawyer for IP matters, with extensive experience advising platforms and offering innovative and practical solutions".
- IP Stars (Managing IP).

Publications

She is the author of several books and manuals, including:

- "Content-moderation in the Metaverse"(*), in Aspectos Jurídicos del Metaverso. Ed. La Ley (2022).
- “The impact of Cofemel and Brompton in the protection of functional designs: What has changed in Spain?” (*) in Propiedad Intelectual. Ed. Tirant lo Blanch (2021).
- “The commercial exploitation of image in the fashion world: brief notes on Spanish legislation and case law” (*) in elDial DC2EB. Published by Albrematica, S.A. Argentina (2021).
- “Blockchain for a better management of intellectual property rights in the chain of supply” (*), included in Alastria Legal, number 1 (2020).

- "The Collaborative Economy and service providers in the information society” (*) included in "Cuadernos de Derecho para Ingenieros. Economía Colaborativa. Iberdrola". La Ley, Walters Kluwer (2018).
- “The right to audiovisual communication” (*) included in “Studies on the General Audiovisual Communication Law” published by Thomson Reuters.
- “The commercial exploitation of images in the sports and entertainment industries. Justification, legal framework and new challenges from a comparative perspective between Spain and the United States”(*) published by Thomson Reuters (2009).

(*) Originally published in Spanish please see Spanish CV for details.