

## [Updates](#)



This series of Updates contains information regarding issues and trends facing the retail industry during the holiday season. The list below highlights all of our published Updates on this topic.

**2024**

### [Compliance Tips for Retailers During the Holiday Season](#)

12.02.2024

The holiday season marks the busiest time of the year for retailers. Though this a joyous time, retailers should be

mindful of inherent employment law risks to remain off the naughty list after the holiday season ends.

### **[‘Tis the Season... for Cybercriminals: A Holiday Reminder for Retailers](#)**

11.22.2024

As the holiday shopping season kicks into high gear, it also becomes a prime opportunity for cybercriminals to target retailers, their suppliers, and their customers. This time of year presents a perfect storm of risks, making it crucial for retailers to stay vigilant.

### **[One Rocky Sleigh Ride: Antitrust and AI Pricing](#)**

11.14.2024

Artificial intelligence can provide invaluable assistance to the retail industry, but AI pricing requires special care. Use of AI to assist with setting prices could put businesses on the U.S. Department of Justice and Federal Trade Commission naughty list.

### **[A Greener Holiday Future: California Establishes Nation’s First Apparel and Textile Article EPR Program](#)**

10.16.2024

As the holiday season begins, California is making a commitment to a greener future by introducing the nation's first extended producer responsibility program for apparel and textiles with the Responsible Textile Recovery Act of 2024.

**2022**

### **[New Year's Resolutions for Successful Brand Partnerships in 2023](#)**

01.05.2023

While celebrity-brand partnerships can have huge upsides for companies and influencers alike, not all collaborations result in happy endings. By conducting due diligence and securing reasonable contractual protections before entering a relationship, brands and personalities can start their partnerships on the right foot and help protect their value and reputations.

### **[Keep Your New Year Happy and Bright With These Ad Law Tips](#)**

12.29.2022

Another new year approaches, so it's time for retailers to revisit advertising and marketing law compliance strategies to avoid class actions, regulatory enforcement actions, and competitor challenges. In this Update, we share our picks for the top five U.S. marketing law topics that deserve your attention in 2023.

### **[This Year Don't Let the Grinch Steal Your Insurance](#)**

11.18.2022

Forfeiting insurance coverage on a covered claim is a quick way to ruin the holidays. Every year, tens of thousands of covered claims are left unpaid due to clerical mistakes by policyholders or their brokers.

### **[Coal in the Stocking for Retail Employers: The California Privacy Rights Act](#)**

10.20.2022

As the California Privacy Rights Act replaces its predecessor, the California Consumer Privacy Act, on January 1, 2023, retailers face a significant amount of compliance preparation—and right at peak season.

## **Are We All "Manual Workers" Under New York Law?**

10.03.2022

In the retail environment, customer service is paramount. Workers spend their time answering questions, stocking shelves, organizing displays, sourcing and sizing, and, yes, even gift-wrapping sometimes. But they're not assembling the products, so they certainly aren't "manual workers," right? Not necessarily.

**2021**

## **Child Labor and COVID-19—It's Time to Make Meaningful New Year's Supply Chain Resolutions**

12.28.2021

With the new year approaching, this is an excellent time to turn over that new leaf and commit to starting, or reestablishing, good habits. Businesses should be no different.

## **Ad Law Resolutions for 2022**

12.16.2021

'Tis the season for retailers to set best practices to avoid class actions, regulatory enforcement actions, and competitor claims.

## **State Privacy Laws: The Gift That Keeps on Giving?**

12.07.2021

Though it was not long ago that resolutions of California Consumer Privacy Act readiness ushered in the new year, 'tis the season once again to deck the halls with privacy compliance checklists.

## **Employers Are Offering Different Types of Shots at This Year's Holiday Parties**

11.16.2021

Employer vaccination policies are probably the hottest workplace topic in this final quarter of the calendar year. Some employers are even planning to offer COVID-19 vaccination shots at holiday parties to make it easier for employees to get vaccinated.

## **Regift Responsibly This Holiday Season**

11.08.2021

While recommerce is not new, its renaissance and shift to e-commerce has raised issues that resellers and brands will need to navigate, including possible expansion of secondhand-dealer laws to ecommerce and avoiding IP infringement through proper product authentication.

**2020**

## **Hot Ad Law Topics for 2021**

12.14.2020

For retailers, the holiday season is indeed the "most wonderful time of the year."

## **This Holiday Season, Don't Open Pandora's Box!**

10.28.2020

For retailers, the holiday season is indeed the "most wonderful time of the year."

## **[Stuffing the Holiday Stockings with Two Handy Supply Chain Disclosure Charts . . . and one Top Five Mistakes List!](#)**

10.13.2020

[Warning: The juxtaposition of joyous holiday festivities and forced labor is not intended to make light of human rights violations, but to assist companies in avoiding common mistakes in their anti-human trafficking disclosure statements.]

## **[Verifying Santa's Helpers](#)**

10.05.2020

The holiday season and holiday shopping may look a little different this year, especially as more purchases are made online.

## **[Variable Hour Employee Benefits Eligibility Under COVID-19](#)**

09.18.2020

COVID-19 has forced many employers to make unanticipated changes to their workforce, with many retailers rolling out a combination of furloughs, layoffs, and breaks in service to address changing market demands and shelter-in-place orders.

## **2019**

### **[New Year, New Worker Protections: Preparing for SB 5258](#)**

12.23.2019

Beginning January 1, 2020, Washington employers in industries including hospitality, retail, security, and contracted property services will need to comply with a new law amending the Washington Law Against Discrimination (WLAD).

### **['Tis the Season for Gift Cards](#)**

12.23.2019

It's hard to know what to give to everyone on your list this holiday season. For the 13th year in a row, the National Retail Federation found gift cards are the most popular item on holiday wish lists, requested by 59% of those surveyed.

### **[Hot Ad Law Topics for 2020](#)**

12.12.2019

Resolve this new year to avoid advertising mistakes that could result in class actions, regulator enforcement, or competitor claims.

### **[Looking to 2020: Will PFAS Be the Next Wave of Consumer Products and Coverage Litigation?](#)**

10.30.2019

As businesses gear up for the busy holiday shopping season and prepare product lines for the new year, manufacturers and distributors of consumer products must be ready to manage new risks that are likely to appear in the new year.

## **2018**

## **Managing the Privacy and Data Security Risks of IoT This Holiday Season**

12.05.2018

As brick-and-mortar retailers seek effective ways of competing with the perceived convenience of online shopping, more and more are turning to the Internet of Things (IoT) to enhance customer engagement, in-store experience, and administrative and personnel efficiencies. As with the adoption of many new technologies, however, IoT use is not without its data privacy and security risks.

## **Hot Ad Law Topics for the New Year**

11.27.2018

Don't let the new year be ruined by U.S. class actions, regulatory enforcement actions, or competitor claims. Here are five ad law takeaways for brand and legal teams to consider as 2019 approaches.

## **All I Want for Christmas...Is a New Privacy Law?**

10.25.2018

Beyond preparing for this year's holiday rush, retailers around the country have started thinking about potential changes to their operations in response to California's sweeping new consumer privacy law.

## **Pop-Up for the Holidays**

10.17.2018

Pop-ups are a fun and effective way to engage new clients and increase brand awareness while keeping overhead costs low. While these temporary retail stores have been embraced by both retailers and consumers, the approach has the following significant legal considerations that should be kept top of mind.

## **12 Questions Retailers Should Ask to Avoid Ghosts of Privacy Breaches Past**

10.12.2018

As retailers head into the holiday shopping season, the ghosts of privacy breaches past may come to mind just as easily as the 12 days of Christmas carol!

## **Leveraging Artificial Intelligence and Machine Learning to Improve Holiday Sales**

09.25.2018

Retailers worldwide are predicted to spend an unprecedented \$2 billion on artificial intelligence/machine learning (AI/ML) capabilities in 2018. By 2022, that number will jump to over \$7 billion.

2017

## **We Trust Santa's Factory is Free of Forced Labor and Corruption—Your Supply Chains Should Be Too.**

12.19.2017

[Warning: The juxtaposition of the jolly old man and forced labor is not to make light of human rights violations but to highlight the hidden evils in supply chains and the potential reputational damage to wholesome brands.]

## **Top Considerations for Companies Engaging in Political Expression**

12.08.2017

We all know to avoid the topic of politics with family and friends at the holidays, but in recent months, American companies and the CEOs who lead them have spoken publicly on social and political issues like never before.

## **California Updates Its Auto-Renewal Law**

10.19.2017

From fashion clothing in the mail to gym memberships to monthly mobile app subscriptions, the subscription-

based business model is everywhere and here to stay.

### **[Give Your Customers the Gift of Security](#)**

09.18.2017

2017 has reminded us that data security threats continue to evolve and that the stakes for companies can be very high if their data security programs fail to evolve as well.

### **[Some Holiday Cheer for a Challenging Retail Environment](#)**

09.06.2017

It would be an understatement to say that 2017 has been a difficult year for the retail sector. Store closings and bankruptcy filings punctuate the news almost daily. However, challenges beget opportunities, and this situation is no different.

### **[Will NAFTA Renegotiation Bring Joy to Retailers?](#)**

08.29.2017

Retailers are looking ahead to the holiday season, but many are also watching the North American Free Trade Agreement (NAFTA) renegotiation, which is ambitiously (and improbably) slated to conclude around the holiday season.

### **['Tis the Season to Plan Ahead for Celebrity Endorsement Campaigns](#)**

08.11.2017

The holiday season is around the corner, and retailers are planning their holiday marketing campaigns. Celebrity endorsements continue to be a popular way to bolster brand recognition and goodwill during the holidays and beyond, and brands routinely partner with celebrities to develop ad campaigns for TV, print and social media.

2016

### **[How Big Retailers Can Avoid Newest Wave of Deceptive Price Advertising Lawsuits](#)**

12.13.2016

Los Angeles City Attorney Mike Feuer last week announced the filing of four lawsuits against some of the largest retailers in the United States, accusing them of misleading customers by advertising a "sales price" alongside an inflated "original price."

### **[Don't Let Forced Labor and Bribery in Your Supply Chains Spoil the Holidays](#)**

11.28.2016

Bluetooth beacons can be a powerful tool for customer engagement. The 2015 holiday season saw retailers experimenting with this kind of proximity marketing, and 2016 is looking like it will see the large-scale deployment of Bluetooth beacons.

### **[Bluetooth Beacons: What You Need to Know](#)**

11.10.2016

Bluetooth beacons can be a powerful tool for customer engagement. The 2015 holiday season saw retailers experimenting with this kind of proximity marketing, and 2016 is looking like it will see the large-scale deployment of Bluetooth beacons.

### **[Avoiding Lawsuits under the ADA](#)**

08.03.2016

As retailers enter the holiday season amid a period of increased compliance lawsuits related to the Americans with Disabilities Act (ADA), we offer some timely ways to steer clear of potential ADA pitfalls.

2015

### **[Make Your Insurance Policies List and Check It Twice](#)**

11.23.2015

As the holidays rapidly approach, it is a perfect time for retailers to review their insurance policies and understand the extent of their coverage. Seasonal hires, new products and revisions in services may expose retailers to uncovered risks.

### **[Advertising Holiday Discounts? How Retailers Can Avoid Lawsuits](#)**

11.02.2015

With the holidays approaching, retailers and their advertising partners are preparing for the busiest time of the year. Sales advertising is a staple of holiday marketing campaigns, which often include "former price" comparisons, in which retailers emphasize new, lower prices reduced from pre-holiday "regular" prices.

### **[Could a Vendor's Lax Info Security Ruin Your Holiday Sales? Seven Preventative Steps for Retailers](#)**

10.23.2015

Many of the largest retailer data security breaches have been caused or enabled by the acts or omissions of retailers' vendors, such as the widely publicized incident at Target Corporation.

### **[The Price of Customer Loyalty: Rewards Programs and Sales and Use Tax Issues](#)**

09.21.2015

Retailers and other businesses use loyalty and rewards programs to draw in customers throughout the year. However, there are several sales and use tax consequences of promoting consumer loyalty.

### **[How Retailers Can Stay Out of Trouble with the CPSC this Holiday Season](#)**

08.19.2015

Right along with tinsel and eggnog, the annual list of dangerous toys and products issued by consumer watchdogs has become a holiday tradition.

### **[Can This Holiday Be Saved? Retail Distress in the 2015 Buying Season](#)**

06.09.2015

In the ramp up to this holiday season, the record number of retail and mall closures and bankruptcies should put retailers and their vendors on alert.

2014

### **[Top 12 Ways Retailers Can Address Privacy Issues This Holiday Season](#)**

12.11.2014

In this installment of "Perkins Coie Wrapping Papers," we take inspiration from "The Twelve Days of Christmas" to provide an overview of the top twelve privacy and data security issues retailers should consider as the year comes to a close.

### **[Avoid a Class Action Lawsuit Landing in Your Holiday Stocking](#)**

11.06.2014

The holidays are quickly approaching, and shoppers are expected to spend in excess of \$600 billion this season. The holiday season is shaping up to become a winter wonderland for retailers.

### **[ADA Claims Coming for Retailers This Holiday Season for Inaccessible Websites](#)**

10.21.2014

The Department of Justice takes the position that websites are covered by the Americans with Disabilities Act (ADA). More claims are being filed by plaintiffs targeting retailers whose websites are inaccessible to consumers who are blind or have low vision.

### **[Retail Leasing: 'Tis' The Season to Make Your List and Check It Twice](#)**

09.17.2014

The holiday shopping season is fast approaching and for the brick and mortar retail industry, it is a critical time. Whether you are a landlord of a shopping center, a long-term retail tenant, or a temporary seasonal tenant, there are several leasing issues that arise during the holidays that are worth noting.

### **['Tis the Season for Government Contracts: Five Key Compliance Issues for Retailers Selling to the Government](#)**

07.29.2014

As retailers move closer to the end of the government fiscal year in September, 'tis the season for receiving government contracts. Federal agency budget authority for discretionary spending generally mandates that agencies either obligate their appropriated funds by the end of the fiscal year or return them to the Treasury general fund.

### **[The Perfect Package: A Checklist to Avoid Legal Challenges](#)**

07.09.2014

Your product teams surely have already finalized their lineup of holiday winners, the new gizmos and must-have widgets that you hope end up on everyone's wish lists.

### **[Risk of Data Breaches Keeping You Up? Assess Data Security Before The Holiday Season](#)**

06.17.2014

As retailers prepare for the upcoming holiday shopping season, Perkins Coie's Retail & Consumer Products industry group is proud to introduce its 9th annual "Perkins Coie Wrapping Papers." These updates will highlight some of the legal issues retailers face during this critically important holiday shopping season.

2013

### **[Don't Let Your Super Sale Become a Violent Stampede](#)**

11.21.2013

Earlier this week, the federal Occupational Safety and Health Administration issued the news release, "Crowd Management Measures Are Critical During Major Sales Events," and sent a reminder to major retailers and retail associations about the need to take precautions to prevent employee injuries during major sales events.

### **[Don't Let the Grinch Steal Your Holiday Season: Preserving Your Right to Rebuild Your Business After a Disaster](#)**

11.05.2013

The one-year anniversary of 2012's Hurricane Sandy has just passed, which is a fitting occasion to think about how or if your business could be rebuilt after suffering complete or near destruction.

### **[Don't Let Liability Exposure Be the Grinch That Ruins Your Holiday Season](#)**

10.15.2013

With the holiday season quickly approaching, it's a particularly good time to check your internal procedures. As you are certainly aware, a disappointed customer, or worse, an injured user, can assert claims against manufacturers, distributors and retailers, among others, in many U.S. jurisdictions. In this increasingly global economy, it can be more difficult than ever to make sure you are properly and fully protected against these types of risks.

### **[Dressing Up Your Trademarks for the Holidays](#)**

06.24.2013

Are you contemplating dressing up your trademarks for the holidays? Adding a jaunty Santa hat and garlands to



your company name on your website and shopping bags? Animating your logo to spin like a dreidel or fly like Rudolph? Maybe adorning your word marks with candy cane stripes? Using your trademarks to embrace the holiday spirit can freshen your brand image, infuse it with energy and differentiate it from your competitors.

2012

### **[The Retail Point of Sale Goes Mobile](#)**

12.20.2012

Mobile point-of-sale payment terminals have experienced explosive growth over the past year. Unlike a traditional point-of-sale terminal, a mobile terminal communicates wirelessly when processing payment cards. There are different types of solutions in the market, but one popular type is an application within a mobile device, like a smartphone or tablet, that uses a hardware attachment to swipe payment cards.

### **[Don't Let a Data Breach Diminish Your Retail Profits This Holiday Season](#)**

11.28.2012

For the first time, online retail sales exceeded \$1 billion on Black Friday and reached nearly \$1.5 billion on Cyber Monday this year. Analysts expect this increase in e-commerce to continue, and Forrester Research estimates that online sales this holiday season will exceed \$68.4 billion—a 15 percent increase over 2011.

### **[An Addition to Your Holiday List: Seasonal Tenants and Lease Reviews](#)**

09.11.2012

Retail property owners and retailers alike are always looking for ways to increase their revenues in a cost-effective manner, especially during the holiday season when a large percentage of a retailer's profits are typically earned.

### **[Making a List, Checking It Twice: Are Santa and His Elves Your Employees? \(This and other wage-hour issues to consider during the holidays.\)](#)**

08.16.2012

In the holiday rush, it's easy to overlook wage-hour issues. This Wrapping Paper discusses common ones to which you should be alerted.

2011

### **['Tis The Season of Employee Theft: Steps to Ensure Your Fidelity Insurance Will Cover Your Losses](#)**

11.15.2011

Increased store traffic, the shift in management's attention to keeping stock available and the barrage of seasonal employees create an environment ripe for crimes of opportunity such as employee theft.

### **[Ho, Ho, Hold On! Do We Have the IP Rights for This Campaign?](#)**

11.08.2011

The winter holiday season poses high sales potential for most retail companies. Your designers and marketing groups are likely already hard at work developing products and advertising campaigns to take advantage of the season and its opportunities.

### **[Holiday Music – 'Tis the Season to Secure Music Licenses and Examine Fourth Quarter Royalty Fees](#)**

10.20.2011

Music and holiday shopping go hand-in-hand. Chances are, your final plans for holiday-themed décor, events and websites will all involve music. This wrapping paper is designed to help your creative team design and implement a music protocol that protects intellectual property ("IP") rights without breaking your holiday budget.

2010

### [Keyword Advertising Update – Navigating Unsettled Waters to Protect Your Mark and Promote Your Business](#)

10.08.2010

This is the second update in the 2010 Perkins Coie Wrapping Paper Series. Over the next few months, Perkins Coie will be publishing additional updates regarding issu...

### [Washington State Retail Sales Tax Litigation](#)

10.08.2010

Retail & Consumer Products industry group is proud to introduce its fifth annual "Perkins Coie Wrapping Papers." These updates highlight legal issues facing retailers during this critically important sea...

2009

### [Despite Flurry of Claims, California Courts Gift Retailers With Narrow Interpretations of Song-Beverly Credit Card Act: Some Tips for Compliance Under Recent Rulings](#)

11.16.2009

If you are a retailer with brick-and-mortar stores in California and accept credit cards for payment, take note. You may want to take a few simple steps to avoid liability for an increasing number of claims under an old law that has received a lot of recent attention.

### [The H1N1 Flu: Retailers – Be Prepared](#)

11.11.2009

The Holiday season this year carries with it not only high hopes for successful sales but the threat of widespread – and increasing – influenza outbreaks. Retailers are uniquely threatened by the flu: sales personnel are routinely exposed to hundreds of shoppers in close quarters, shaking hands, handling merchandise, and exchanging cash. But careful planning can help minimize the impact on your sales force.

### [The Truth About "Green" Advertising Claims](#)

10.22.2009

Environmentally friendly advertising claims effectively grab the attention of consumers hungry for "green" products and services. But as you prepare your holiday advertising, there are several things to keep in mind if you are making "green" claims.

### [Combating Counterfeiting, Piracy and Gray-Market Goods](#)

10.01.2009

Remember the hype surrounding Tickle Me Elmo in 1996, Sony's Playstation in 1995 and, if you're old enough, the Cabbage Patch Kids in 1986? Each holiday season features new "must-have" gifts—that toy your child just cannot live without or that next generation video game or console or that one special pair of boots.

### [Loss of Shopping Center Tenants – What Can You Do To Salvage Your Holiday Season?](#)

09.16.2009

A center with a high vacancy level will likely experience a significant drop-off in holiday shoppers visiting the center, so you need to be proactive to minimize the impact.

## **Explore more in**

[Insurance Recovery Law](#)   [Advertising, Marketing & Promotions](#)   [Apparel & Footwear](#)   [Retail & Consumer Products](#)

## **Related insights**

Update

**[CISA Security Requirements for Restricted Data Transactions Under New DOJ Rule](#)**

Update

**[DOJ's Notice of Proposed Rulemaking on Sensitive Personal Data and Government-Related Data](#)**