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Inside Kizik's quest to dominate the hands-free shoe space through intellectual property

By Melissa Daniels

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Kizik

Footwear brand Kizik and its parent company, Handsfree Labs, have settled the first case brought against a competitor for selling an allegedly infringing shoe. But the company's overall intellectual property strategy goes much deeper than looking for takedowns of alleged imitations.

Kizik settled its first lawsuit alleging that another company infringed on its intellectual property for hands-free slip-on shoes on March 5. Handsfree Labs sued orthopedic footwear brand Drew Shoe in September, alleging that it infringed on Kizik's patents by directly and indirectly mimicking the look and feel of Kizik's brand and marketing approach.

A lawyer for Drew Shoe did not return a request for comment from Modern Retail. Court records show the company initially denied the allegations before settling, and the case was dismissed on March 5. The exact terms of the settlement are undisclosed.

"This isn't just about legal protection," Kizik CEO Monte Deere said in an interview. "It's just about setting a precedent that innovation deserves to be defended. And we've done that, and we'll do it again if and when we need to. We hope we don't need to."

Deere spoke with Modern Retail more broadly about how Kizik protects its intellectual property. Handsfree Labs has filed for more than 200 patents for the technology behind slip-on shoes. Some of these are used in Kizik's own designs. Nike has licensed some of Handsfree Labs' work since 2019 and made a strategic investment in the company for an undisclosed amount. Deere also hinted at future partnerships, saying the company aims to further monetize its catalog of hands-free shoe inventions with other footwear companies.

"We've launched it through a great brand, Kizik. But it's hard for foundational technology like this to be exploited by a single brand," he said. "We think consumers are showing that they want hands-free functionality.

We have the best functionality, so let's make it available to other great footwear brands who are willing to work with us in a fair way."

Proving the concept

Kizik, for its part, launched in 2017 as a DTC brand. Last year, it focused on retail expansion and expanded to more than 1,000 wholesale doors and now operates six of its own stores. The brand generates over $100 million annually in sales.

But it took time, money and legal resources to build the company up to where it is today. Founder Mike Pratt spent nearly a decade inventing shoes that could be slipped into without crushing the heel. In that process, he came up with multiple designs that now populate Handsfree Labs' portfolio of more than 200 patent filings. About 115 have been granted, Deere said, covering the functionality and technology of the slip-on across styles.

Some cover more external technologies designs, like the IP used for Kizik's latest shoe called the Monaco, which has a bar across the back to maintain its structure while being put on. Another is a "cage" that covers the back of a heel. And there are more internal designs that are meant to hold a foot in place. Kizik has also gotten into boots.

"We proved the concept first in Kizik," Deere said. "And then we realized, 'Hey, we've got something that is powerful and disruptive and that could benefit others.' So we separated the technology brand from the footwear brand, and we licensed to Nike, and we'll license to others."

Deere said IP is integral to Kizik's long-term strategy and its operations. Beyond the licensing side, that includes paying attention to what other companies are doing, to keep an eye out for potential infringers. When Deere came on board six years ago, his first hire was chief IP officer and general counsel Eric Nielsen.

"We don't pick up the phone and call patent counsel every day," Deere said. "He sits across the hall from me."

The high costs and big payoffs of IP

But Kizik's position of its IP is something of a unique strategy for a startup. And it's not cheap, as registering for patents, copyrights or trademarks can be a time-sensitive and expensive process. It's also not cheap to take other companies to court.

But IP is ultimately an important asset that can be used as a sword, or a shield, said Paula Hopkins, counsel at Venable, who works with brands on intellectual property law.

Some brands tend to be more aggressive than others about getting their patents and trademarks, Hopkins said. But even if a brand doesn't want to actively assert its intellectual property, having patents, trademarks or copyrights can have protective benefits. For instance, brands will be better equipped to file a takedown requests in marketplaces over an alleged dupe.

“The process seems expensive. But if you think about it, it’s an investment in your brand. It’s an insurance policy for your brand,” she said. “It helps to make that small investment on the front end to avoid a messy rights dispute or infringement case on the back end.”

Jessica Ramirez, co-founder and managing director of retail advisory firm The Consumer Collective, said footwear companies have previously waged legal battles over IP, specifically Nike, as well as less formal allegations of copying.

“Intellectual property and common usage are constantly clashing in today’s world,” she said. “You see a shoe designer — especially some of the newer, indie ones — who catch onto something and run with it.”

As far as using patents as swords is concerned, Deere said the company isn’t actively looking to sue anyone else. But they will if they have to. And on the shield side, they’re continuing to talk to other major footwear brands about licensing deals, he said. He shared that Handsfree Labs is in talks about a licensing deal with another top 10 global footwear company.

“We want and plan to win through innovation and by providing what people want — not win by litigation,” he said.

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