How Brand-Entertainment Collabs Are Reshaping IP Strategy

By **Bess Morgan** (November 24, 2025)

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In today's saturated media landscape, attention may capture the moment, but affinity captures the market.

The strategy of bringing story worlds into viewers' homes via merchandise, once dominated by cinematic universes and children's programming, is increasingly being embraced by prestige streaming series and other premium content — even those with primarily teen/adult viewership — signaling a broader evolution in brand-entertainment collaborations.

Earlier this year, "The White Lotus" released co-branded capsule collections with NEST New York candles, Away luggage and Banana Republic apparel. The summer launch of "The Summer I Turned Pretty" Season 3 was accompanied by limited collections with Coach, SuperGoop and American Eagle.

A Netflix summer collaboration with New Era capitalized upon "Stranger Things" and "Squid Game" branding. The megahit "KPop Demon Hunters" is also positioning itself for retail domination, as Netflix announced in late October that Mattel Inc. and Hasbro Inc. will be global co-master toy licensees for merchandise launches in 2026.

In-picture collaborations are also becoming increasingly immersive, strategically integrated and structured to capture and sustain audience engagement.

Tiffany & Co. recently partnered with the Guillermo del Toro-directed "Frankenstein" film, lending archival pieces and contemporary designs to be worn on screen, which, according to the brand, "continues Tiffany & Co.'s legacy of contributing to the world of cinema - not simply as adornment, but as a storytelling layer." The collaboration also involved an immersive installation at the Tiffany & Co. Fifth Avenue location, with cinematic window displays and an exhibition of curated jewels worn in the film.

When business strategy creates a new playbook, legal strategy must adapt. Below are considerations for navigating rights, risks and relationships in this new era of brand-entertainment integration.

Extending the Lifecycle and Scope of Intellectual Property

Collaborations are strategic vehicles for brand owners to leverage licensing to extend trademark use into categories of goods or services outside their primary market.

As the title of a single entertainment property (e.g., a motion picture, song or book) is not eligible for U.S. federal trademark registration, licensing that title for use as a branded product — apparel, homewares or toys, for example — allows entertainment rightsholders to expand brand protection and their IP portfolio.

Likewise, consumer product brands that partner with an entertainment vehicle may have access to protecting their product-focused marks in media categories, as the name of a branded mobile application, game software or media channel.

Pursuing formal trademark registration provides valuable legal leverage, particularly for enforcement and brand protection.

A U.S. federal trademark registration serves as prima facie evidence of the registrant's ownership and validity of the mark, exclusive nationwide rights as of the application filing date (with certain limited exceptions), and provides procedural and enforcement advantages, such as:

- Suing for infringement in federal court;

- The potential to obtain treble damages and attorney fees;

- The ability to record a registration with U.S. Customs and Border Protection to block counterfeit or infringing imports; and

- The optical and arguably deterring advantage of using the registered trademark symbol.

A federal trademark registration also facilitates swifter online enforcement through access to platform brand registries and simplified takedown of unauthorized uses.

Despite those advantages, rightsholders need to carefully weigh the timing and cost of formal registration against the lifespan of the collaboration. As a U.S. registration effort can easily take a year or longer, it may outlast short-term entertainment tie-ins or limited-edition releases.

If a brand owner does not sustain commercial activity in that goods category postcollaboration, the registration's strategic value may diminish and become vulnerable when proof-of-use maintenance obligations rise. In such cases, allocating resources to other forms of IP protection or contractual safeguards may offer a more practical return.

A New Lens for Clearance

Because collaborations facilitate using trademarks in categories not contemplated by their original protection strategy, engaging in refreshed trademark clearance is a prudent first step before expansion.

If updated clearance reveals a potential conflict, the parties will need to discuss what contractual assurances may be appropriate — through representations, warranties and indemnities — and, ultimately, how much uncertainty each side is willing to accept in pursuit of the collaboration.

Entertainment brands that incorporate the name of talent face additional complexities. Adopting a talent-led entertainment brand attracts attention, conveys credibility and lends commercial prestige, but expanding persona-based brands may come with limitations.

Depending on their exclusivity commitments to other partners, talent may be contractually restricted from authorizing the use of their name or likeness on certain products. Entertainment brand owners will need additional consents from talent to register a talent-titled series name as a trademark in expanded categories. Talent may also require enhanced approval rights over the merchandise to ensure quality control reputational integrity.

The expanding cross-industry use of brands and entertainment properties may also complicate the assessment of infringement risk for parties operating outside a given collaboration.

A key consideration in a likelihood of confusion determination, which affects both a trademark registrability and a trademark infringement analysis, is the degree to which the parties' goods or services appear related. As entertainment properties enter product markets and consumer brands become part of story worlds, the traditional contours of "related" are shifting.

Controlling the Narrative

Brands entering formal collaborations with media properties have a strategic opportunity to negotiate specific terms governing how their products and services are depicted. These negotiations may include approval rights over presentation and messaging to ensure the brand is represented in ways that align with corporate identity.

Brands also have an opportunity to negotiate placement visibility and post-air usage of production assets for marketing initiatives.

While negotiated product placements provide contractual safeguards that mitigate claims of misrepresentation or unauthorized association, entertainment parties must weigh these protections against the potential encroachment on their creative discretion. For legal counsel, structuring these agreements requires a delicate balance between granting meaningful input and avoiding overreach that could undermine the collaborative creative process.

Avoiding Ambiguous IP Ownership and Rights Allocation

Ownership of newly created IP, whether co-branded content, product designs or promotional materials, is another complexity of brand-entertainment collaborations. Joint ownership, sometimes pitched as an equitable solution, can add complications.

In the U.S., joint copyright owners each have the right to nonexclusively use or license the co-owned work. One party could exploit or associate the IP with other projects, products or partners in ways that dilute or conflict with the other's brand positioning.

While U.S. trademark law permits joint ownership, co-owners are expected to jointly control the nature and quality of the goods and services, as a trademark is intended to represent a single, unified source. If one party uses a co-owned mark in ways that are not aligned, it could jeopardize the validity of the trademark itself.

Without carefully drafted agreements defining who owns or controls resulting trademarks, copyrights and likeness rights, disputes can easily arise once the short-term collaboration ends.

Avoiding a joint ownership construct in favor of alternatives such as allocating exclusive ownership to one party with a defined license back to the other, designating a lead party for registration and enforcement, and setting guidelines for post-termination use (if any) and attribution, can help parties avoid a longer relationship than the partnership was meant to create.

Conclusion

As storytelling and commerce become increasingly intertwined, brand and entertainment collaborations demand equal parts creativity and legal precision.

Rightsholders that proactively align their IP, clearance and ownership strategies will be best positioned to capture opportunity while mitigating risk. The next era of entertainment branding will reward not only those who innovate on-screen, but those who structure wisely behind the scenes.

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