

Increased Charitable Giving in the Time of COVID: Philanthropic or Tax-Driven?

Even before the global COVID-19 pandemic hit, retailers across the country were already prioritizing charitable giving despite the existing downward trend in sales and revenue. With the recent global COVID-19 pandemic and the resulting lockdowns, closures, and bankruptcies, retail...

August 12, 2020

Last Minute Shifts to Last-Mile Delivery Centers: Considerations for Retail Landlords

Owners of shopping centers and other retail spaces are again increasingly looking to novel uses, including distribution and warehouse uses, sometimes called "fulfillment centers", to fill growing vacancies. These emerging uses raise a number of potential legal issues...

August 5, 2020

Court Partially Excuses Tenant's Rent Obligations During COVID Shutdown

In the social and economic fallout from COVID, businesses are assessing how best to address their commercial relationships, especially where potentially insurmountable barriers to performance loom large. One clause that concerns performance impossibility has gained increasing recognition in this...

July 29, 2020

Avoiding Coronavirus Discrimination Claims in Retail and Hospitality

On the 30th anniversary of its passage, the Americans with Disabilities Act (ADA) deserves recognition for its continued viability and adaptability in response to contemporary problems and technological change. As the retail and hospitality industries reopen and expand...

July 22, 2020

Supreme Court Affirms "Booking.com" Trademark

On June 30, 2020, The Supreme Court of the United States issued its opinion in *United States Patent and Trademark Office v. Booking.com B. V.*, holding that a mark consisting of a generic term combined with ".com" is...

July 15, 2020

As States Lift Restrictions, Retailers are Trapped on the 'Leading Edge'

The avalanche began in an unlikely setting, for avalanches at least: Chesapeake Energy Arena, home to the National Basketball Association's Oklahoma City Thunder, where the home team was set to play the Utah Jazz on the evening of March...

May 5, 2020

COVID-19 Safety Checklist for Reopening Your Workplace

Step 1: Prepare for employees to return to the workplace. Assess the risk level of your workplace according to OSHA Guidelines. Lower exposure risk (caution) jobs are those that do not require contact with people known to be, or...

May 1, 2020

The Fed Updates the Main Street Lending Program – as of May 1, 2020

Executive Summary On April 30, the Federal Reserve Board (Fed) announced revisions to the scope and eligibility requirements for the Main Street Lending Program (the MSLP or Program) in response to over 2,200 comment letters. The changes generally expand...

April 24, 2020

New PPP Loan Availability and Cautionary Guidance Announced

1. The Paycheck Protection Program and Healthcare Enforcement Act: What You Need to Know On April 24, 2020, the President signed into law the Paycheck Protection Program and Healthcare Enhancement Act (the "Act"), amending the CARES Act to increase funds...

March 12, 2020

Coronavirus: Impact on the Retail Industry

Coronavirus Disease 2019 or " COVID-19 " continues to dominate national and international discussion. News outlets in Boston , New York , London , Mumbai , Rio de Janeiro , Tokyo , and every other city and town in the world...

March 5, 2020

An Unintended Interruption to the Global Supply Chain

The current outbreak of COVID-19 (the coronavirus) will be a test of the global supply chain's strength in the face of unintended interruptions, and can be a lesson on building-in supply-chain contingency plans. As a result of COVID-19, many...

February 26, 2020

Retail Evolution: Continuing to Think Outside of the Box

In a prior blog, we discussed partnerships between retailers and hotel chains as a strategy for providing customers with an interactive experience and staying competitive in the market. This trend has continued and is further evolving. Retailers are bringing...

February 19, 2020

Now Trending - Amazon's Brick and Mortar Expansion of New Concept Stores

Although online shopping is extremely convenient, many consumers still want to touch and test out products before they purchase them. Since 2015, Amazon, with its first brick and mortar Amazon Books store, has made its way out from behind its...

February 12, 2020

The Future of Online Shopping Is Social

Social media has a well-established position in the retail industry. Brands and retailers have mastered digital and social media tools to engage their target market throughout the customer journey, from awareness, engagement, purchase and well beyond purchase. These advancements...

January 29, 2020

Let's Get Innovative!

Using short term deals to solve long term problems.

There continues to be a lot of discussion throughout the commercial real estate industry about competition from online retailers and the holes created by failing and downsizing businesses that have traditionally focused on brick and mortar stores. While concern...

January 22, 2020

Sustainable Fashion – A G&S Panel Discussion

Introduction On January 13, 2020, Goulston & Storrs PC hosted a panel discussion featuring leaders in the fashion industry's movement towards more sustainable practices. The panel was organized by Jen Furey, a member of Goulston & Storrs PC's retail...

January 16, 2020

What can Amazon do for you?

Economists and industry experts – and the data – agree on little when it comes to holiday sales. In December, a mere ten days after the National Retail Federation proclaimed that a record 190 million consumers shopped over the...

January 8, 2020

2019 Holiday Season Retail Sales Wrap-Up

The holidays are a hectic time for a lot of different reasons. One thing that remains constant through the chaos of work events, family gatherings, and inclement weather is the hustle and bustle of the retail world. This post...

December 19, 2019

The 2019 ICSC New York Deal Making Conference and The Ever-Evolving Retail Scene

The ICSC New York Deal Making Conference ("NYDM") was held at the Jacob Javits Convention Center from December 10-12 and had more than 9,600 registered attendees. This year, ICSC offered much more content than at prior NYDM conferences. Over...

December 18, 2019

Airbnb Slashes Boston Inventory to Meet New Requirements

The number of Airbnb listings in Boston has been cut in half due to local ordinances regulating the operation of short-term rentals. Boston is not the only city pushing back on Airbnb, a company that is battling local city...

November 13, 2019

The Nightmare Before Christmas?

Gift Card Litigation Arrives for the Holidays

It is a little-known fact that, in 1994, Blockbuster video was the first store to display pre-paid gift cards for sale. Unlike VHS rentals, the gift card industry has only grown in popularity. Gift cards from major retailers are...

November 6, 2019

Unconscious Bias in the Retail World

Last week, in our highlights of the 49 th ICSC U.S. Law Conference , we touched on Dr. Mahzarin R. Banaji 's keynote presentation, where she discussed unconscious bias and how it affects everyone. She has also co-authored a...

October 30, 2019

2019 ICSC Law Conference Recap

Last week, over 1,500 members of the retail law industry came together at this year's 49 th International Council of Shopping Center (ICSC) U.S. Law Conference that was held in San Diego from October 23 through October 25, 2019...

October 23, 2019

Go Mega-Mall or Go Home?

New Jersey's American Dream "Immersive Consumption" Mall Opening after 23 Years

While increased occurrences of retail store closures and predictions about the death of the shopping mall are causing mall owners to consider downsizing or repurposing their space away from consumer-facing retail and toward e-commerce fulfillment centers or industrial uses...

October 10, 2019

Retail-to-Industrial Conversions: Revolution or Niche Trend?

It may have been unthinkable ten to fifteen years ago, but the shift in consumer shopping patterns from brick-and-mortar stores to online platforms has resulted in the emergence of retail-to-industrial conversions over the past few years. With lower demand...

September 25, 2019

"Retail Apocalypse: The End – Or A New Beginning?"

The last several years have been treacherous for the retail sector. Changing shopping patterns and shifting demographics have led some commentators to declare that the (retail) apocalypse is upon us . And while we have seen numerous mega-bankruptcies, including...

September 12, 2019

The Game of Malls. What Is Dead May Never Die.

It's no secret that consumers have been shifting away from shopping at traditional brick-and-mortar stores in favor of shopping online. Nor that the shift in consumers' shopping habits has resulted in a wave of store closures in malls throughout...

August 28, 2019

What's Old is New Again: Department Stores Partner with Online-Only Secondhand Apparel Companies

Apparel merchandisers are predicting that resale will soon become a force in the industry and retailers are beginning to take notice. Increasingly, young shoppers are turning to online, resale and rental for their clothing needs and department stores are...

August 22, 2019

REIT Issues for Retail Leasing Professionals

As retail leasing continues to evolve, real estate investment trust (REIT) landlords, retail tenants and the business / advisory teams on both sides will want to ensure that REIT issues are surfaced and negotiated before the lease is signed...

August 14, 2019

Are U.S. retailers keeping your data safe?

Sharing limited personal information with retailers has its benefits, including targeted ads, discounts, incentives, and coupons. But at what cost? Do the risks of disclosing your personal information to retailers outweigh the benefits to which time-sensitive consumers have grown...

July 18, 2019

Black Friday in July: A Retail Boost in Competition with Amazon

Is "Christmas in July" a bonus for consumers or retailers? Which retailers are coming to the front of the price slashing competition and what products are hot off the shelves? According to retail experts, Amazon raked in an estimated...

June 26, 2019

All Eyes on G-20 as Additional Tariffs Loom

Last week, Bloomberg reported that Toys "R" Us is in the early stages of a comeback, led by former executive and Tru Kids Inc. CEO Richard Barry, with designs on opening about a half-dozen stores in time for the...

June 19, 2019

We're Here for the Food Hall Party

Time to Eat, Drink and Socialize!

If you haven't eaten at a food hall yet... it is likely only a matter of time before you do. They are popping up all over the country and are gaining popularity. Unlike traditional mall food courts, food halls...

June 13, 2019

E-Commerce and Industrial Real Estate: "Last Mile" Delivery and What Else You Should Know

In recent years, the extensive disruption to the retail real estate landscape caused by the expansive growth of e-commerce (such as altered consumer shopping habits, increased brick-and-mortar vacancies, and big box retailer bankruptcies) has been well-cataloged and analyzed both...

May 29, 2019

A Hometown Affair: Boston Hosts INTA 2019 Annual Meeting

Last week, members of the Goulston & Storrs intellectual property practice group joined over 11,000 attendees from around the world for the 141 st Annual Meeting of the International Trademark Association (INTA). For us it was a hometown affair...

May 24, 2019

ICSC RECON 2019: In Pursuit of Innovation

The Las Vegas Convention Center hosted ICSC RECon 2019 this week from May 19-22. This year's conference was held under the motto "Less traditional. More Innovative", reflective of the dynamic changes taking place in the retail real estate industry...

May 15, 2019

When the Retail Anchor Becomes the Risk... or Opportunity?

Big box stores have recently been large contributors to the "retail apocalypse" facing owners of shopping centers with broad swaths of empty space. Some landlords are discovering that they need to take a more active role at the helm...

May 8, 2019

The Intersection Between Technology and Retail: The Use of Blockchain Technology in Tracking Supply Chains

In the past few years, many industries have poured resources into exploring how they can use blockchain to grow. The retail industry is no exception. During 2018, the U.S. retail sector spent double the amount of money on blockchain...

April 24, 2019

Four Ways for Leases to Keep Up with Innovative Retail

Industry experts seem to agree that while traditional retailers may be on the decline, innovative stores that focus on "experiential retail" -- interesting, memorable, interactive, multi-sensory shopping experiences -- will continue to thrive. To keep up with developments in...

April 17, 2019

Bag Bans: The War on Plastic Bags

Grocery shoppers used to make the final decision of their supermarket trip in the checkout line. Reaching for boxes of cereal, cartons of eggs, and jars of jam in their rolling metal carts, placing those items onto slow-moving counter...

April 3, 2019

'Tis Always the Season for a Pop-up

With Tax Day just around the corner, there is a good chance that you find yourself (along with millions of other Americans) scrambling to get your taxes filed at the last minute. You also might notice the temporary tax...

March 27, 2019

Intrusion or Tool: Consumer Data's Increasing Role in Retail

It's no secret that retailers have access to more information about their target consumers than ever before. This information can help retailers not only to target their broad market but also to tailor the communications they deliver to each...

March 26, 2019

Update: Tip Pooling by Restaurant Owners is Guided by Tip Income Protection Act of 2018

When we last looked at tip pooling at restaurants and who would be permitted to be included, the laws and regulations were in flux. Since then, the Tip Income Protection Act of 2018 was signed into law. Among other...

March 15, 2019

Opportunity Zones Steal the Show

ICSC's 2019 Mid-Atlantic Conference and Deal Making

The Gaylord National Resort & Convention Center played host to the ICSC's 2019 Mid-Atlantic Conference and Deal Making event last week. After being snowed out last year, the conference rebounded with high attendance and spectacular views of the Potomac River...

March 6, 2019

Technology Shifts the Retail Landscape for Open Air Centers

ICSC's OAC Summit 2019

I just returned from ICSC's OAC Summit, which was held in Austin last week. For those how have not yet attended this conference, the OAC is not a deal making conference like many other ICSC conferences. Rather, the OAC is...

February 28, 2019

New Payment Structures for a New Age

We've written about changes in the way goods are bought and sold, from brick-and-mortar to e-commerce. But what about how goods are being paid for? As the retail landscape shifts to digital terrain, retailers would be wise to think...

February 21, 2019

Recycling the Big Box

Retailers shuttered a record amount of brick-and-mortar store space in 2018, shattering the previous record set in 2017, and big box stores were the largest contributors to the empty space. Iconic brands, such as Sears, Macy's, J.C. Penney, Toys...

February 13, 2019

Second Chances – Embattled Retailers Look to the Next Chapter for Their Brands

What's old is new again. The intellectual property of legacy brick-and-mortar retailers is increasingly being repurposed for decidedly modern ventures. Although the fate of Toys "R" Us, Inc. has captured the most media attention, a number of prominent retailers...

January 15, 2019

2018 Holiday Sales

We hope everyone had a terrific holiday season and the new year is off to a great start! In our first post for the year, we wanted to share some terrific insights on 2018 holiday sales analytics from Retail...

December 19, 2018

Not Just Fun and Games: The Demise of Toys "R" Us, Inc. and the Changing Face of Retail

This year marks the first Christmas in modern memory without Toys "R" Us, Inc. The loss of the international toy seller leaves billions of dollars in toy sales up for grabs, and its slow and steady decline may serve...

December 12, 2018

The 2018 ICSC New York Deal Making Conference and The Emergence of Digital

The ICSC New York Deal Making Conference ("NYDMC") was held at the Jacob Javits Convention Center from December 4 – 6. NYDMC is ICSC's second largest conference, with about 10,000 in attendance this year. The conference kicked off with...

December 7, 2018

Year-End Trademark Audits Ensure Complete Brand Protection

With the end of the year approaching and the holiday shopping season in full swing, now is an ideal time for brand owners to audit their trademark portfolios. A trademark audit is an excellent tool for ensuring brands are...

November 20, 2018

Happy Thanksgiving from Goulston & Storrs

We proudly present a holiday greeting from the children of Goulston & Storrs. Please click to view their festive holiday artwork.

November 13, 2018

Three Trends Driving Consumer Behavior in the Retail Real Estate Business

Goulston & Storrs partners Nancy Davids, Matt Epstein, Karen O'Malley and David Rabinowitz recently sat down with Forbes to discuss how changes in consumer behavior continue to drive evolution in the retail real estate business. The group identified three key...

November 7, 2018

Counterfeits in the Digital Marketplace

Counterfeiting has moved beyond high-priced luxury goods to low-cost everyday items. Many of these fake products pose real dangers: face masks with arsenic ; phone adapters that can electrocute you ; computer chargers that fry your hardware ; batteries...

October 23, 2018

Protecting the Popular Brand: Considerations to Avoid Genericide

When it comes to trademark registration, there is such a thing as being too popular. Marks such as Aspirin, Fiberglass, Zipper and Flip Phone became so ubiquitous that they were found to be generic—a commonly used name or description...

October 17, 2018

Banner Year Expected For Holiday Retail Sales

This week's news of former retail giants Sears and Kmart filing for bankruptcy is bound to spur headlines about the death of retail in the U.S. However, multiple forecasts predict that robust 2018 holiday shopping will result in an...

October 10, 2018

On the Origin of Retail: An Evolutionary Analysis

"Retail Apocalypse!" "Amazon Takeover!" "Goodbye, Brick-and-Mortar!" These reflect the flavor of headlines these past few years: one of a retail Armageddon, or the end as we know it of brick-and-mortar. While several prominent retailers have turned to bankruptcy and store closures, research...

October 3, 2018

Augmented Retail – The Use of Artificial Intelligence and Augmented Reality to Enhance the Customer Shopping Experience

As competition between brick-and-mortar stores and online shopping continues, retailers with physical stores are using cutting edge technologies to offer unique shopping experiences and added service to consumers. One type of technology that is being used in brick-and-mortar stores...

September 26, 2018

Co-working and the Rapidly Changing Office Landscape

The anxiety of the death of retail has given way to the retail renaissance. Experiential retail draws the shopper in for entertainment, pop-up stores capture the shoppers' curiosity as they stroll past a storefront or see their friends' posts...

September 19, 2018

One Wild Ride: The Rise of Dockless Bike Share Programs

Bike shares have been around for several years, but the newest iteration of the two-wheeled trend is causing concern among local government officials and citizens alike. Beyond questions of profitability and durability, dockless transit share models raise questions about...

September 12, 2018

New Massachusetts Trade Secret Laws Effective October 1, 2018

The retail industry closely guards customer and distribution lists, the software and code for the operation of its websites and downloadable mobile apps, and, in many cases, algorithms used to evaluate and monitor sales trends. In many cases, these valuable...

September 5, 2018

Down But Not Out: Using Showrooms to Revamp Brick and Mortar Retail

Recent trends such as pop-ups suggest that consumers and retailers alike are not prepared to give up on brick and mortar stores, but that they are looking for more creative alternatives to the traditional arrangement. Clothing retailers have begun exploring...

August 22, 2018

Updates to California Proposition 65 Affect Retailers and their Suppliers

On August 30, 2018, significant changes to California's Proposition 65 ("Prop 65") warning regulations take effect. In the retail context, Prop 65 requires businesses with 10 or more employees to warn individuals in California about products containing certain listed...

August 15, 2018

Sales Tax Holidays: Serious Savings or Serious Stunt?

This past Friday, consumers across Massachusetts were pleasantly surprised with news of the last-minute approval by the Baker administration of a weekend sales tax holiday. Despite local retailers griping about the eleventh hour prep involved with planning, stocking, staffing...

August 8, 2018

On Retailidential Densification: Unpacking the Jargon and Trends of Adding Residential Uses to Shopping Centers

Retail follows rooftops. Few real estate adages are more axiomatic. Increasingly, however, the reverse is becoming true, and rooftops, or residential uses, are cozying up to retail. We've written previously that residential developers are increasingly finding shopping centers...

August 1, 2018

The Times They Are A-Changin': Movement in the Retail Brokerage Industry

When selecting a broker, clients consider a host of factors, including both the firm's and individual broker's experience, building and client portfolio, and industry contacts. While some may feel better served by a small, dedicated team that can arguably offer...

July 26, 2018

International Council of Shopping Centers New England Conference and Deal Making

ICSC hosted the New England Conference and Deal Making event at the John B. Hynes Veterans Memorial Convention Center last week, from July 16-18. Given the summer timing of the conference, attendance appeared light at times, but conference attendees...

July 18, 2018

A Trademark Licensee's Rights after its Licensor's Bankruptcy May Vary Depending on the Venue of the Bankruptcy Case

In this tumultuous retail climate, a string of recent conflicting court decisions remind retailers that the potential impact of a licensor bankruptcy on a trademark licensee's rights may vary dramatically depending on the location of the licensor's bankruptcy...

July 10, 2018

Leveraged Returns: How Big Box Retailers are Using In-Store Fulfillment Centers to Bring Consumers Back to Brick-and-Mortar

The growth of e-commerce over the last two decades has forced traditional brick-and-mortar retailers to rethink their operations in order to remain competitive in a rapidly evolving market. For some, this means developing websites and mobile apps to entice...

June 25, 2018

“We’ve Updated Our Privacy Policy”

How the EU’s New Data Protection Law is Changing Data Policy Considerations for American Retailers

If you have ever made an online purchase, chances are that you have received at least one email in the last month notifying you that a company’s privacy policy has changed. These emails are part of efforts to comply...

June 22, 2018

A Changed World: The Supreme Court Permits State and Local Taxation of Online Sales by Retailers with No State Presence

A Changed View of Online Sales Tax for Out-of-State Retailers

With the growing and evolving retail world, which we have discussed before , one thing had remained constant: retailers did not have to collect sales tax for online sales to states in which they had no physical presence...

June 6, 2018

A World of Trademarks at INTA 2018 Annual Meeting in Seattle

During the week of May 20, 2018, members of the Goulston & Storrs Intellectual Property Group joined over 10,500 attendees from around the world for the 140th Annual Meeting of the International Trademark Association (INTA) . Held in Seattle...

May 30, 2018

ICSC RECon 2018--Stepping Into the Future

The Las Vegas Convention Center hosted ICSC RECon 2018 last week from May 20-23. Upon their entry into the Convention Center’s Central Hall, this year’s RECon attendees were greeted by the ICSC Innovation Exchange. This interactive exhibit showcased a...

May 23, 2018

ICSC RECon In Full Swing

ICSC is in full swing at the Las Vegas Convention Center this week. This is the world's largest gathering of retail real estate professionals. With 37,000 industry professionals and 1200 exhibitors, it promises to be an amazing week. Last year...

May 16, 2018

The New Dawn of Retail: Apocalypse or Evolution?

Major retailers that once reigned supreme with brick and mortar stores now face unparalleled challenges. Historically, major retailers dominated the retail industry by opening stores in the most desirable locations and offering fetching merchandise at a great value. But...

May 9, 2018

No More Lifetime Guarantees – The Importance of a Balanced Return Policy

In February 2018, L.L. Bean made the tough decision to change its lifetime return policy , which had been in existence for over a century. Following the policy change, the company received backlash from its customers , with many...

May 2, 2018

Does Trademark Protection Extend to On-Line Advertising- Apparently It All Depends

It seems that nearly every day another retailer announces the large-scale closure of brick-and-mortar storefronts, with such household brands as Toys "R" Us and J. Crew, just to name two, planning to shutter stores in 2018. The significant challenges...

April 25, 2018

Preparing for a Retail Storm

In the past few years, we have seen increasing temperatures, rising sea levels and extreme weather across the globe. According to NASA, 2016 was the hottest year on record and 2017 was the second warmest year on record...

April 18, 2018

Credit Card Evolution: Goodbye John Hancock

For years, the signature requirement for completing a credit card transaction has felt something like an obsolete means of confirming a user's identity . Effective this month, however, four of the country's largest credit card providers: American Express, Discover...

April 11, 2018

Pop-Up Stores- From Mall Kiosks to Dedicated Mall Spaces

It seems that everywhere we turn, there is another story about how the traditional, enclosed shopping mall is facing a slow and painful death. Big box and other brick and mortar stores are closing, and mall landlords are desperate...

April 4, 2018

Following An Evolving Retail Scene In New York City

New York City, one of the world's premier shopping destinations is about to get over one and a half million square feet of new retail space. Some will be delivered to Long Island City, an area that has been...

March 28, 2018

Bankruptcy Lease Auctions – Landlords Can Play Too

Toys "R" Us filed for bankruptcy in September 2017, with hopes that a strong holiday season would facilitate a successful reorganization. After holiday sales proved to be far less lucrative than the company and its professionals had hoped, the ...

March 21, 2018

No Relief in Sight from Website Accessibility Lawsuits

In February 2017, we reported on a surge in website accessibility lawsuits brought under the Americans with Disabilities Act (“ADA”). This litigation trend has accelerated over the past year and shows no signs of slowing down . Title III...

March 14, 2018

#Trending: Omnichannel Loyalty and Leveraging Social Media Channels

Technological advancements in the current digital age allow consumers to browse and buy products on smartphones and tablets, bringing an unlimited number of retail options to their fingertips—literally. Thus, in an effort to distinguish themselves, many brands are adopting...

March 7, 2018

Bringing Residential Uses to Existing Shopping Centers--A Win Win

Tenant curation, experiential retail , and social media-based marketing are thriving trends in today’s brick-and-mortar shopping center industry. Retail is not the only real estate asset class susceptible to trends, and a recent dominant trend in the multifamily residential sector...

February 28, 2018

Sustainability in the Fashion Industry: Kering Group's Innovative Approach in the Luxury Sphere

Retailers are facing an increasing population of ethically minded consumers . A Nielsen 2015 global survey found that 66% of respondents were “ willing to pay more for products and services that come from companies that are committed to...

February 21, 2018

Settlement Opens Door For Outer Borough Outlet Centers

In August 2017, Simon Property Group (“SPG”) and the Office of the Attorney General of the State of New York (“NYAG”) entered into an Assurance of Discontinuance (the “Settlement”) regarding alleged anti-competitive effects of radius restrictions used by SPG...

February 14, 2018

A Grocery Attack on Multiple Fronts

Amazon has entered the grocery store space with a bang. From the recent opening of its AmazonGo store , to its acquisition of Whole Foods last August, Amazon has threatened to disrupt the grocery store industry and has jolted...

February 7, 2018

Facial Recognition in Retail: "Attention all Shoppers: We Already Know Everything about You"

Are you worried that “Alexa” is listening to your conversations? Do you cover your laptop camera with tape and refuse to store your passwords on your devices? Well, it looks like even stepping into the mall may require full-body...

January 31, 2018

Foreign Retailers Entering New Markets: Finding A Home Of One’s Own

The first task facing a retailer entering a new market? To find its customer. This chore takes on more significance for foreign retailers venturing into a complex, expansive and heterogeneous market such as the United States. Depending upon the soundness...

January 24, 2018

What Does Tax Reform Mean for Retail?

We all know now that the federal corporate tax rate for many retailers is dropping this year from an industry effective average rate of 32.9% to 21%, as a result of changes implemented by the so-called "Tax Cuts and...

January 10, 2018

Rise of the Drones: Flying Over Newton and Registration Requirements Reinstated

The skies are a little friendlier for drones now that the Dutch police have suspended their squad of drone-hunting eagles . This is also great news for retailers, as drone popularity continues to soar with overall electronics sales...

January 3, 2018

Vitamin D and Retail: But Not Without Due Diligence First

We've all read about the question marks floating around the fate of brick and mortar retail in America. Factors like the strength of e-commerce and shifting consumer preferences (such as the popularity of urban centers over suburbia and consumers&rsquo...

December 20, 2017

Teavana and Whole Foods: Is the Pendulum Swinging in Favor of Protecting Mall Landlords Against Strategic Tenant Closures?

As mall landlords continue to see substantial tenant vacancies, some landlords have begun to challenge solvent tenants who decide to go dark before the end of their lease. In two important recent cases — Simon Property Group, L.P. v...

December 13, 2017

ICSC New York Deal Making (2017)

On December 6-7, the Javits Center played host to this years' ICSC NY Deal Making Conference. ICSC featured a new format at this years' Conference. In addition to the deal making opportunities on Wednesday and Thursday, ICSC partnered with...

December 6, 2017

Update: Tip Pooling by Restaurant Owners Remains in Flux

This past April, we reported on a recent Ninth Circuit ruling which upheld a 2011 Department of Labor ("DOL") rule that prohibits restaurants from instituting tip-pooling arrangements that include both front-of-house staff that are customarily and regularly tipped (such...

November 29, 2017

Supreme Court Removes Patent Litigation from the Heartland of Texas

For years, patent assertion entities have filed patent lawsuits against retailers in federal court in Texas. The Supreme Court's recent decision in TC Heartland LLC v. Kraft Foods Group Brands LLC may give retailers the ability to insist they defend...

November 21, 2017

Cannes Brick and Mortar Retail in the United States Make a Comeback?

2017 MAPIC Conference in Cannes, France Last week, a contingent from Goulston & Storrs attended the annual MAPIC conference in Cannes (pronounced "Can"), France for the seventh consecutive year. We expected to field questions about the challenges facing brick...

November 15, 2017

Looking Inside the Mind of a Gen Z Shopper

As the 2017 holiday season nears, consumers are getting ready to open their wallets and retailers are hoping their promotions will attract those consumers. Generation Z ("Gen Z"), which includes young people born in the mid-1990s to mid-2000s, is...

November 8, 2017

New Experiences, New Retail Opportunities

Despite all of the noise about the rise of e-commerce and omnichannel distribution and the demise of brick-and-mortar, 85% of retail sales are still made in physical stores, and physical stores will continue to be at the core...

November 1, 2017

2017 ICSC US Shopping Center Law Conference

San Antonio was host to this year's ICSC US Shopping Center Law Conference, which occurred from October 25 through October 28, 2017. In-house counsel, counsel from outside law firms, tenant's lawyers, landlord's counsel, paralegals, lease administrators and others involved...

October 26, 2017

Surprises For International Retailers Coming to the USA

We are all aware that stateside landlords long for that new, fresh idea—something they can show off at their mall or street location and that can't be found in every mall in every city in the country. Successful international...

October 18, 2017

Medtail: Why Your Doctor Is Treating You in a Strip Mall

The retail universe is well aware of the hype that it is only a matter of time until brick and mortar retail succumbs to its online competitors. However, despite the "doom and gloom" we generally see in headlines...

October 11, 2017

Robots Will Reshape – Not Replace – Retail Work

As we have discussed in earlier blog posts , rapid changes in the retail landscape due to the rise of e-commerce and a shift in customer's interests from old-school, one-stop department store shopping to experiential retail, has led to...

September 27, 2017

The Cure For The Last Mile? Retooling Shopping Malls as E-commerce Distribution Centers

In addition to gigantic warehouses that e-commerce companies are constructing away from population centers where real estate is limited or too pricey, shopping malls and former shopping mall sites are well poised to be the newest e-commerce logistics and...

September 20, 2017

A Changing Retail Streetscape: Rethinking Shopping Center Parking Lots

A recurring theme of this blog is that e-commerce , mobile devices , and evolving technology are changing the retail landscape. It seems that technology shifts are also poised to change the retail streetscape. More particularly, changes to the...

September 13, 2017

Gearing Up for MAPIC 2017

Our Retail Group is once again getting ready for the annual MAPIC Conference (le marché international professionnel de l'implantation commerciale et de la distribution)! For the 7th year in a row, our team is traveling to Cannes, France for...

September 6, 2017

Retailers to the Rescue

Hurricane Harvey has traumatized southeastern Texas. With unprecedented rainfall, there are many people who need urgent help. The competitive retail market can be difficult and wonderful all at the same time. We see (time and time again) that when...

August 23, 2017

America's Next Top (Business) Model? Evaluating Fashion's Big Experiment

Last year, scores of top fashion designers defied convention by abandoning traditional shipping schedules, which favored delivering collections four to six months after they appeared on Fashion Week runways, and moved instead to a system allowing designers the ability...

August 16, 2017

Retail Hybrids: Following Trends in Cars, Sports and Food

Hybrids of many sorts have been trending in countless industries throughout the years and show no sign of fading away anytime soon. Toyota announced that it sold its 10 millionth hybrid car this year, twenty years after launching its...

August 9, 2017

Artificial Intelligence in Brick and Mortar Retail

Headlines about brick and mortar retail tend to be dominated by how these establishments are in decline while online retail is burgeoning. Fortunately for brick and mortar retailers, their demise is not preordained since tools from the online retail...

August 2, 2017

A Nation of Shopkeepers

David Rabinowitz and Matt Epstein who, with Nancy Davids , co-chair Goulston's Retail, Restaurant and Consumer Group , spent some time in London last month surveying the retail landscape. There are both similarities and differences between the US and UK...

July 26, 2017

ICSC Deal Making Conference Explores the Changing Retail Industry

The ICSC New England Conference & Deal Making was held from July 18 through July 20, 2017 at the Hynes Convention Center in Boston. Registered attendance at the Conference was strong again this year, with over 1,200 people registered for...

July 19, 2017

E-commerce Is Changing the Definition of Retail Employment

The retail landscape is in the midst of a mind-boggling – and fast-moving – evolution. In a short amount of time, Americans have radically changed how they shop for things, utilizing multiple channels of shopping to meet their needs. ...

July 12, 2017

Is Artificial Intelligence the Key to Retail Survival?

In light of the sea change in the current retail landscape, which was punctuated by the recent acquisition of Whole Foods by Amazon , retailers today are forced to ask themselves: How will we combat disruption in our industry...

June 28, 2017

Retailers Grow Successfully by Introducing New Brands

As fashion retailers across the country jostle for market share in an ever-changing and ever-competitive marketplace, some retailers are trying to improve their bottom lines not by adjusting or expanding their offerings in each store but by opening differently...

June 21, 2017

Amazon & Wal-Mart: Pinky and The Brain of Retail

In the opening montage of the American animated series, Pinky and The Brain , Pinky asks his best friend, The Brain: "What do you want to do tonight?" To which The Brain replies: "The same thing we do every..."

June 14, 2017

Forging a Legal Firewall: Recent Decisions May Shield Retailers from ADA-Based Website Inaccessibility Claims

We have commented on a surge of lawsuits being filed under Title III of the Americans with Disabilities Act ("ADA"). Title III of the ADA prohibits discrimination in the full and free enjoyment of public accommodations on the basis...

June 7, 2017

Boutique Retail Hotels: Introducing The New Meaning Of "In Room" Shopping

In this ever changing world, retailers are continuing to invent new ways to highlight their products, provide customers with an interactive experience and to stay competitive. We have previously discussed strategies used by brick and mortar stores to compete...

May 31, 2017

Class Action Lawsuits on the Rise under New Jersey's Consumer Protection Laws – Which Retailers Will Be Targeted Next?

Does your retail business conduct sales online? For most retailers today, the answer is likely yes. This means that the recent surge of class action lawsuits against merchants arising out of a consumer protection law in New Jersey called...

May 25, 2017

ICSC RECon 2017 – ICSC RECon Continues to Draw the Crowds

ICSC RECon 2017 was held last week from May 21-24 at the Las Vegas Convention Center. This year, the conference lived up to its billing as the "World's Largest Retail Real Estate Convention" with an estimated crowd of 37,000...

May 24, 2017

Getting Past the Last Mile: Delivery Challenges For E-Commerce Businesses

E-commerce businesses have changed the relationship between consumers and retailers through the advent of expedited and low-cost home delivery services. Now, many consumers anticipate both free shipping with their purchase, and to receive their items in a short one...

May 17, 2017

The Future of Urban Retail: A Business Real Estate Roundtable

As the competitive retail marketplace continues to shape itself, we take an active role monitoring trends and uncovering the legal ramifications. This week, we are pleased to share Crain's New York Business Real Estate Roundtable. In this piece, the...

May 10, 2017

Give Me a Break: Break Me Off a Piece of That...Meal Kit?

Short on time and patience, consumers are jumping on the bandwagon of meal kits and meal kit delivery services, which have taken the retail food industry by storm. Meal kits and meal kit delivery services – such as, Plated...

April 26, 2017

To Tax or Not to Tax Internet Retailers, that is the Question

Since the dawn of the age of e-commerce, brick-and-mortar retailers have championed “the level playing field”. Their battle cry: Internet retailers should be subject to sales tax just like us! This disparity is largely the result of a 1992...

April 19, 2017

Supreme Court Says ‘Give Me a ©’ to the Fashion Industry

A recent U.S. Supreme Court copyright decision analyzing cheerleader uniforms may have a profound impact on retailers, and on the fashion industry in particular. On March 22, 2017, the Supreme Court held in *Star Athletica, L.L.C. v. Varsity Brands*...

April 12, 2017

The Rise of Concierge Retail

Retailers have always had to balance a number of different competing factors in order to stay competitive, including location, marketing and convenience. As discussed in this space, in today’s market, many retailers are employing an omnichannel retail strategy, making...

April 6, 2017

Tip Pooling by Restaurant Owners-Remains in Flux

Restaurant owners with tipped employees should take note of several recent court cases which may affect their ability to cause restaurant employees to participate in “tip pooling,” particularly in instances where back-of-house employees are included in such tip pooling...

March 29, 2017

End Of An Era Or Simply a Moment In Time?

What conclusions can we draw from the increasing vacancy rates in prime NYC retail real estate ? A momentary blip? Something we’ve seen many times before, only to be followed by the inevitable climb in rents to their customary...

March 22, 2017

How Grocery Stores Are Starting to Cash in on the Blue Apron Trend

The Rise of the Gourmet Home Chef Boxed meal delivery services like Blue Apron and Plated have steadily risen in popularity since they entered the market in 2012. Meal kit delivery services offer consumers a no-hassle way to cook...

March 16, 2017

When in Rome: Our Take on the ICSC OAC (Open Air Summit)

We know from our high school history lessons that large scale public shopping centers have been around since the days of the Roman Empire, if not before. The fabled open air markets of cities like Istanbul and Damascus still...

March 8, 2017

Copyright Compliance: (Re-)Register Your DMCA Agent in 2017 to Keep Your Website Docked in the Safe Harbor

The Digital Millennium Copyright Act (DMCA) “safe harbor” provisions shield certain online service providers from copyright infringement liability arising from content posted by users on their website. Provided that the service provider registers its DMCA agent and complies with...

March 1, 2017

Leveraging Digital Tech to Make Brick and Mortar Retail A Destination

With a growing percentage of retail sales shifting online, brick-and-mortar retailers are adopting novel approaches to enrich the experience of a visit to their stores. In some cases, stores are using novel technologies to attract new customers. For...

February 22, 2017

The Ascendancy of Accessibility: Surge in Website Lawsuits Continues

The proliferation of accessibility lawsuits under Title III of the Americans with Disabilities Act (ADA) has not abated. It is well-documented that ADA-related litigation increased by 37% from 2015 to 2016, which is symptomatic of long-term trends. Growth is...

February 15, 2017

ICSC Mid-Atlantic Conference & Deal Making Recap

With seemingly all of the country’s attention focused on Washington DC lately, we snuck out of the District and across the Potomac River to National Harbor last week for ICSC's 2017 Mid-Atlantic Conference and Deal Making. The conference was...

February 8, 2017

The Power of the Melody Pushes Fashion Forward

The many genres of music – particularly, rock, pop, hip-hop and country – have always pushed the needle forward in fashion. Musical icons from today and yesteryear have given a voice to fashion by creating a kinetic experience full...

February 1, 2017

The (Border) Adjustment Bureau: Hold On to Your (Imported) Hats

Retailers would be wise to pay close attention to the upcoming tax-plan deliberations of the 115th U.S. Congress. A proposal currently being considered would adjust the U.S. corporate tax by making imports a non-deductible expense. This adjustment is intended...

January 25, 2017

Oh the Sidewalks Outside Are Frightful, But Landlords Will Make Them Delightful... or Will They?

Although we haven’t seen much snow accumulation in the northeast to date, we know that this can (and likely will) change before the warmer weather returns. Before the snow really begins to fall, it would behoove both landlords and...

January 19, 2017

Upscale Food Halls—On Trend and On The Rise

The growth of high-end food halls is taking off around the country as consumers seek fast, fresh, high-quality, chef-driven meals with a local touch, and as landlords seek to cash in on the continued growth of fast-casual dining. These...

January 11, 2017

Amazon Go: Let's Get (More) Physical

We recently noted that among the latest e-tail trends is the expansion of once exclusively online retail operations into physical store locations. In-store sales continue to dominate over online sales, with the U.S. Census Bureau reporting that online sales...

January 4, 2017

Mobile Payments: Exciting but Unknown

Mobile payment options are no longer the wave of the future. They are already here. It was projected that there would be almost 450 million mobile payment users worldwide by the end of 2016 . These users generated \$60...

December 21, 2016

Coming to a Retailer Near You: Made in USA Labeling Requirements

Patriotism is a hot topic in the United States. One study shows 51% of American consumers will pay higher prices to buy American made products. Not surprisingly, manufacturers actively promote products with the red, white and blue labels proudly...

December 15, 2016

A Tale of Two Conventions: MAPIC and ICSC New York

Autumn has been a busy time for our Retail, Restaurant and Consumer team , with our attendance at two major industry events each attracting thousands of attendees. Interestingly, both events recorded their largest attendance numbers to date, and given...

December 7, 2016

Blockchain – The Future of Real Estate?

Bitcoin and blockchain technology have been gaining publicity in recent years, and although they are primarily known for their use as a digital payment system, there are also promising uses in many areas where trust, cost and efficiency can...

November 30, 2016

FTC Publishes Data Breach Response Guidelines

Whether resulting from a planned cyberattack or mere carelessness, data breaches are on the rise. In 2015, 781 data breaches were reported across the United States, with the average breach costing \$3.8 million . In 2016, the total number...

November 16, 2016

May your Days be Merry and Blue Laws Compliant

'Tis the season to eat turkey, drink pumpkin-flavored lattes, and, of course, shop. With Black Friday and the holiday season just around the corner, it is important for retailers to remember that Massachusetts has specific laws that restrict when...

November 9, 2016

What Now? Post-Election Thoughts for the Retail Industry

Elections are emotionally charged events and yesterday's U.S. Presidential Election proved no exception. Regardless of which way you voted, we now have a new President in Donald Trump. So, what does his election mean for retail sales? No one...

November 2, 2016

Industry-Wide Confidence Shines Through At ICSC's 2016 Law Conference

The 2016 ICSC Law Conference was held last week at the Diplomat Resort in Hollywood, Florida. Attendance was very strong this year, with over 1425 lawyers, paralegals, lease administrators, brokers and other retail real estate professionals attending. The strong...

October 26, 2016

Black Friday: May You Finally Shop in Peace

Black Friday has traditionally been the day that retailers and consumers gleefully mark on their calendars. Since its inception in the late 1980s and early 1990s, Black Friday has been considered the blast-off point for the holiday season, ushering...

October 19, 2016

Paid Celebrity Endorsements in Social Media: The FTC Is Watching

How much trust do you place in celebrities who endorse products on social media platforms such as Instagram, Snapchat, Facebook, Twitter, and YouTube? Do you stop to consider whether they are compensated for their efforts and, if so, how...

October 12, 2016

The Power of Pop-ups: From Fad to Retail Mainstay

Pop-up stores or "flash retail" have graduated from passing trend to popular practice. Historically utilized for the sale of seasonal products (think temporary stores that only sell Halloween costumes), the pop-up has evolved into an attractive option for retailers...

October 5, 2016

Retailers: Embrace Virtual Reality Now (But Also Be Careful)!

We've previously addressed the hype that it is only a matter of time until brick and mortar retail succumbs to its online competitors. While we concluded that brick and mortar retail is not in danger of immediate extinction, such...

September 28, 2016

Food For Thought: How Delivery-Only Food Service Is Impacting Retail Real Estate

Today's consumer is a tricky one – she is impatient and demanding. She requires excellent service in the blink of an eye (or perhaps, more appropriately, in the swipe of a finger), and likes to eat meals made with...

September 21, 2016

FACTA Check: Credit and Debit Receipts Can Show Injury-in-Fact

In a series of recent decisions that have important implications for retailers, large and small, federal courts have allowed consumer class actions to proceed against businesses for violation of the Fair and Accurate Credit Transactions Act ("FACTA"), even where...

September 14, 2016

The Future of Retail: Brick and Mortar!

If you believe the hype, it is only a matter of time before brick and mortar retail succumbs to its online competitors. Recent decisions made by several stalwart retailers appear to support this theory: Macy's recently announced that it...

September 7, 2016

"In-Season Relevancy" Is in Season this September

The fashion industry is at a crossroads. Designers must decide whether to continue the age-old tradition of previewing their collections during Fashion Week four to six months before they are available in stores (with fall looks shown in February...

August 24, 2016

Arriving Now: An Uber Alternative to Parking Validation

We previously wrote about how on-demand delivery services, such as Uber and its competitors Lyft and Postmates, have the potential to provide brick and mortar retailers with an answer to Amazon's delivery service. Services such as UberRush now allow...

August 17, 2016

Selfies: Changing the "Face" of Retail

Selfies are everywhere. From selfie sticks to photo editing applications, people are looking for new and better ways to take photos of themselves. At the same time, retailers are creatively taking advantage of our selfie obsession. Companies such as...

August 10, 2016

No Cash? No Problem: The Emergence of Cashless Retailers

From the time we were little, putting birthday money into our piggy banks, cash has always been an important part of our lives. Now, imagine a world where cash is no longer king. Like so many other things that...

August 3, 2016

Digitizing Brick and Mortar: Geofencing and Geolocation Can Help Retailers Win at Omnichannel

We have blogged previously about the steady rise of e-commerce , the benefits and challenges of creating a cohesive omnichannel experience, and some of the special issues omnichannel creates for the landlord-tenant relationship. Customers may appreciate the convenience of...

July 27, 2016

ICSC's New England Idea Exchange Draws a Crowd to Talk Shop

The Hynes Convention Center hosted the ICSC New England Deal Making Conference in Boston last week from July 19 through July 21. ICSC announced that attendance was at an all-time high of about 1,200 people. The conference kicked-off with...

July 20, 2016

The Implications of Trademark Infringement Decisions: Aw "Chucks"

There is a growing population of fashionistas and #sneakerheads skyrocketing the sales of fashion retailers and traditional sneaker companies, such as @Nike and @Converse. Forbes contends that sneakerheads represent approximately 5% of the \$22 billion dollar sneaker market in...

July 13, 2016

RETAIL 2020: Future Ready – Innovate to Succeed

In late June, members of the local and national retail community convened at Goulston & Storrs' Boston office to participate in an interactive panel discussion billed as RETAIL 2020: Future Ready. Panelists included Ben Fischman, the Executive Director of M...

June 29, 2016

A Closer Look into the Growth of E-Commerce Sales

It is widely known that e-commerce sales have been growing and shifting sales from traditional brick-and-mortar establishments. As noted below, overall e-commerce sales in fact still account for a relatively modest percentage of total retail sales. That said, the...

June 22, 2016

Set Pickup Location: Uber Is Coming to Retail

On-demand delivery services, such as Uber and its competitors Lyft and Postmates, are increasingly taking steps that have the potential to offer a counterpunch to online retailers such as Amazon and may shake up the brick and mortar retail...

June 16, 2016

To Brexit or Not to Brexit? Our Observations on UK Retail

Our Retail team just returned from a week in London where we met with the firm's UK-based retail clients and other retail industry professionals. The biggest topic of conversation centered around Brexit. On June 23rd, Britain will hold an...

June 15, 2016

Are Prohibited Uses Prohibiting Opportunity?

Despite how it may sometimes seem when in the throes of negotiating a lease between a shopping center landlord and a retail tenant, the overarching goals of the two parties are aligned. Both parties want the tenant to be...

June 8, 2016

Retailers' On-Call Scheduling Practices Under Scrutiny in Eight States and D.C.

On April 12, 2016, New York Attorney General Eric Schneiderman sent letters to fifteen retailers requesting information regarding their use of "on-call shifts" in scheduling employees. The letters were similar to those letters sent by the New York Attorney...

June 1, 2016

The Newly Enacted Defend Trade Secrets Act: What Retailers Should Know

On May 11, 2016, President Obama signed into law the Defend Trade Secrets Act of 2016 (the DTSA), creating the first Federal civil cause of action for misappropriation of trade secrets. The DTSA overlaps substantially with, and does not...

May 26, 2016

ICSC RECon 2016 – Holding Court

ICSC RECon 2016 tipped off with a keynote address by Earvin "Magic" Johnson, Chairman and CEO of Magic Johnson Enterprises and former NBA superstar. Attendance was up by about 2.7 percent from last year, with around 36,000 attendees, representing...

May 25, 2016

Meet The Jetsons: Fashionable Technology

In the opening montage of the famous American 1980's sitcom, The Jetsons, we see the family zipping through their futuristic utopia donning clothing and accessories that we could only dream of, until today. Coco Chanel once aptly noted that...

May 18, 2016

Retailers Take Notice: Will Customers .shop at Your .store?

Have you thought about establishing a new distinctive web address for your business? Do you worry that someone else may try to register your brand name within one of the new generic top level domains (gTLDs)? Whether consciously or...

May 11, 2016

Microbranding Leads to Big Success

From your local watering hole to Nordstrom's, microbranding is making a big impact in retail. Microbranding is brand recognition experienced by small-scale businesses in a particular marketplace. The expansion of the internet marketplace, including websites such as Etsy and...

May 4, 2016

Apparel Peril!

Today's post is guest-authored by Nick Egelanian, a leader in the retail and shopping center industries. These are perilous times in the apparel sector. What seems on the surface to be a contradiction—a series of underwhelming sales reports in...

April 27, 2016

Retail Shopping Outlets in Emerging Markets: A Shopaholic Box of Chocolate

Despite its universality, the shopping mall, as we know it, is at a pivotal juncture in its existence. A tsunami of torrential trends – in particular, the rise of floundering malls and underwhelming sales for luxury anchor tenants &ndash...

April 20, 2016

Return of the Food Trucks – New Offerings vs. Old Favorites

It's that time of year again: flowers are blooming on the Common, the Red Sox had their opening day, and the best parts about Boston summer have started to reappear. This year, however, many of Boston's beloved food trucks...

April 13, 2016

Retailers Digitizing Daily Operations: From Mobile Payments to E-Receipts

When asked last year to name one technology that we rely on today that would no longer be around in 10 years, Microsoft CEO Satya Nadella responded: " fountain pens ." Some may question Mr. Nadella's prediction of the...

April 6, 2016

Sustainable Retail – Eco-Friendly Shopping at the Mall

Sustainability experts claim that "a good building- efficiency rating is quickly becoming the real estate equivalent of a motor vehicle's miles-per-gallon rating and helps bring capital to owners and investors." The National Real Estate Investor reports that investors and...

March 30, 2016

Revamping the Runway-to-Retail Model

With the increase in digital coverage of Fashion Week , from live streams to Snapchat stories and Instagram postings, designers have put what might be considered the most coveted and exclusive ticket in town directly in the hands of...

March 23, 2016

The "Sharing Economy" Creeps into Retail

Millenials are having an increasing impact on the retail industry. Reports estimate that the generation's, defined as people born between 1982 and 2004, spending will soon account for approximately 30% of all retail sales, as this blog recently discussed...

March 16, 2016

Off-Price Retail Therapy for Landlords: New Opportunity in the Age of Millennials

On March 2nd, after much media speculation, Sports Authority commenced a case under chapter 11 of the United States Bankruptcy Code. In its initial bankruptcy filings, the company's CFO announced that it will close up to 200 of its...

March 9, 2016

New Lease Accounting Rules Are Final: Retailers and, Ultimately, Landlords Can Expect Changes

We recently wrote about expected changes to the rules governing the way leases are accounted for on balance sheets and suggested the changes would have major implications for retailer tenants and longer term implications for landlords. Late last week, as...

March 2, 2016

Designed for Convenience: Three Ways Technology Can Enhance the Shopping Experience

Spending a weekend or a Black Friday waiting in long checkout lines can drive many consumers to make their purchases with online retailers, which offer convenient and fast shopping. As competition with online retailers continues, retailers with brick and...

February 24, 2016

Retail Litigation Center: A National and Influential Force In Litigation

The Retail Litigation Center (RLC) is a trade organization attached to the Retail Industry Leaders Association (RILA) that describes itself as "the only organization dedicated to advocating the retail industry's perspective in those judicial proceedings that are most important to the retail..."

February 17, 2016

The Burgeoning Winds of Retail in Emerging Markets

For those that follow the mantra - "fortune favors the bold" - breaking ground in lesser known international retail frontiers may have significant pay-offs, as evidenced by the first-wave of retailers who made retail investments in BRIC cities...

February 10, 2016

The Skies Are Alive With the Sound Of Drones: The FAA Implements Drone Registration Requirements

It happened again—another incident involving an errant drone and a resident from the Garden State. As reported by various news sources, a New Jersey man attempted to photograph the Empire State Building with his drone. He was arrested on reckless...

February 3, 2016

Heavyweights Battle Over The Future Of Retail

Is the future of retail online, or will it remain in brick-and-mortar stores? It is a common topic of speculation among the retail industry, with some claiming that brick-and-mortar stores are a dying breed and others claiming that they...

January 20, 2016

Change in Lease Accounting Rules to Have Major Impact for Retailers, and Ultimately, Landlords Too

Rules governing the way leases are accounted for on balance sheet rules are expected to change in the first quarter of 2016 with major implications for retailer tenants and longer term implications for landlords. Today, real estate leases are generally...

January 13, 2016

Pushing Back on Just-in-Time Scheduling

Back in September 2014, we asked the question "Is Just-in-Time Scheduling Good for Business"? Twenty months later, it seems like that question has been answered and our prediction that retailers may be legally required to alter their Just-in-Time scheduling practices...

January 6, 2016

Website and Mobile App Accessibility: The DOJ Kicks the Can

In a previous post , we wrote about Title III of the Americans with Disabilities Act ("ADA") as it applies to businesses' public websites and mobile apps. At the time of our last writing, it was expected that the...

December 23, 2015

Sporting Fashion: An Evolution from the Hardwood to the Runway

During the 1989 MLB All-Star Game , the world was left in blissful wonderment over the most memorable sports campaign ever produced . The "Bo Knows" campaign became the paradigm of sports marketing, catapulting Nike into mainstream consciousness, and...

December 16, 2015

ICSC 2015 National Deal Making – Bigger, Better And Back At The Javits Center

This is the second year that the New York ICSC has been held at the Jacob K. Javits Convention Center , and no one is pining for the old venue. Attendance was up, perhaps breaking 10,000, which would be...

December 9, 2015

Sustainability in Retail: Going Strong and Expected to Continue

The COP21 meeting has been underway for the last week, with just a few more days left to go. The meeting, an annual session which started following the 1992 United Nations Framework on Climate Change, brings together businesses, policymakers...

December 3, 2015

Report from MAPIC 2015: US Expansion Still Hot Topic

The Goulston & Storrs' MAPIC team has returned from the 21st annual MAPIC (le marché international professionnel de l'implantation commerciale et de la distribution) conference in Cannes, France. From November 16-18, MAPIC hosted its international retail conference at the...

November 24, 2015

Black Friday? Not This Year.

Black Friday is the infamous day that kicks off the official holiday shopping season in the United States. With many folks and students enjoying the day after Thanksgiving off, Black Friday is the perfect time to start working through...

November 18, 2015

The War for Talent: It's On

It's not exactly news that we have a war for talent in the U.S. Since the recession of 2008, business commentators have followed the U.S. population's return to work. When unemployment was high and workers had no alternatives, they...

November 4, 2015

Strong Showing in Arizona: ICSC's 2015 U.S. Shopping Center Law Conference

Arizona played host to ICSC 's 2015 U.S. Shopping Center Law Conference, and with great success. The conference took place at the JW Marriott Phoenix Desert Ridge Resort & Spa, which comfortably housed over 1,400 attendees. The conference offered...

October 28, 2015

"In fashioning myself, I fashion man" – E-Tailers Champion A Sartorial Renaissance in Masculinity

When it comes to shopping, men generally fall into one of two camps: (a) those who simply don't know how to shop and would rather book their next root canal before embarking on such an experience and (b) those...

October 21, 2015

Why is Omnichannel Retail so Hard?

The retail industry has been evolving rapidly to keep up with new technology and consumer patterns. While the chief concern previously was about how traditional retailers could prevent the loss of market share to online retailers, now all retailers compete...

October 14, 2015

Pop-Up Halloween Stores Don't Scare Landlords

Halloween specialty stores have been popping up annually since the 1980's and quickly became a national phenomena. According to the National Retail Federation, the celebration of Halloween is projected to generate approximately \$7.4 billion dollars this year . Pop-up...

October 7, 2015

Apple Pay, Android Pay, Samsung Pay: Where's Your Wallet?

Last week Samsung launched its mobile payments app to compete with ApplePay and Android Pay, with much anticipation among technology bloggers. A few Technorati rushed to try the application so they could compare and contrast with the others. While...

September 30, 2015

OmniChannel Marketing: Maximizing the [In-Store] Shopping Experience

While retailers recognize that most purchases can be accomplished by conveniently using an electronic medium, they also know that “one click” shopping does not satisfy everyone. In order to capture this population and to entice the online shoppers to...

September 23, 2015

#Instagram, #Instafashion, #Instagood: A Fashion Foray into Instagram

Despite its reputation for over-filtered pictures, fashion blogging on #Instagram has moved the needle and compelled the fashion industry to welcome a group of #fashionistas that traditionally have been considered the plebeians of the fashion world. The rise of...

September 16, 2015

Fashion Week Beyond the Photo Shoots

What would the retail industry be without Fashion Week, the twice-a-year event series during which major designers launch their women’s ready-to-wear lines? What we see on the catwalk during this week highly influences consumer tastes – and sometimes behavior..

September 9, 2015

Leveling the Playing Field: Mobile Location Analytics

As brick-and-mortar retailers face increasing challenges to compete with their online counterparts, a new tool is helping to level the playing field: mobile location analytics. Traditionally, online retailers have had an advantage over brick-and-mortar stores from the voluminous data...

August 26, 2015

A Case of Caution: the Effect of Redevelopment on Existing Mall Leases

In a follow-up to coverage regarding the White Flint Mall redevelopment, the jury has reached a verdict. Until recently, White Flint Mall in Bethesda, Maryland was a prime example of retail mall success. However, as the mall began to...

August 19, 2015

Trends in Urban Grocery Store Development in Washington, D.C.

Continuing our coverage of trends in urban grocery store development , this post examines recent and ongoing activity in Washington, D.C., which is a leader in grocery-anchored, mixed-use redevelopment projects . It’s not by accident that DC leads in...

August 12, 2015

3D Printing: Potential Pitfalls For Retailers

What is 3D printing? 3D printing, a seemingly futuristic method of manufacturing objects, is steadily moving into the mainstream as three dimensional printers have relocated from labs to the shelves of retail stores. 3D printing , or additive manufacturing...

August 5, 2015

An A+ in Back-to-School

It may only be the first week of August, but the retail world is already in full swing with one of its most important times of the year: back-to-school. Back-to-school is the second-biggest shopping season of the year, trailing...

July 29, 2015

Uber Drivers: Employees or Independent Contractors?

Since its founding in 2009, Uber has gained both praise and notoriety for shaking up the taxi industry by allowing individuals who meet minimum requirements to provide an on-demand car service via the Uber mobile app. In December 2014...

July 22, 2015

ICSC's New England Idea Exchange Talks Trends and Technology

As ICSC's New England Idea Exchange closes on yet another successful conference, the message is clear: the retail industry is reinventing itself once again. Attendance was on the increase again this year as real estate professionals gathered at the...

July 15, 2015

Cyber Liability Insurance – Does Your Retail Business Need It?

The news is full these days of hackers stealing credit card and other customer information from United States retailers such as Home Depot, Target, and Neiman Marcus (and the federal government) among others. These mega-breaches make great headlines...

July 8, 2015

Are You Ready for the Attack? Online Brand and Reputation Protection

It starts with an inaccurate, possibly fake, online review. Then a post appears on a consumer complaint forum. Suddenly, there is a surge of false postings about your company on social media sites. Invariably, these anonymous postings appear prominently...

July 1, 2015

Let Freedom Ring!

Goulston & Storrs has a long and proud tradition of supporting diversity. It's not just a theoretical goal; we believe diversity helps us recognize and appreciate alternate viewpoints which ultimately improves our firm and our ability to serve our...

June 24, 2015

Does Your Website or Mobile App Discriminate?

Are you confident that your business complies with federal anti-discrimination laws? If you offer goods or services to the public through the Internet, the answer may not be as simple as you think. Increasingly, lawsuits are targeting retailers and...

June 17, 2015

From the Suburbs to the City: How Grocery Retailers are Filling the Urban Grocery Gap

As residential high-rises pop up all over the city of Boston, big-name grocery retailers are sprouting nearby to meet the increased demand. The most recent example is the opening of a Roche Bros. supermarket in Downtown Crossing in late...

June 10, 2015

Summer Retail: Sales Tax Holidays, Pit Stops, and Where the Deals Are

Memorial Day has passed and while offices still hum with productivity, we can feel summer around the corner. With that in mind, we've explored what might be in store for the retail industry this summer. Although the usual break...

June 3, 2015

Coalition Loyalty Programs Spread to Retail Shopping In the U.S.

Seven major brands, including Macy's, Rite Aid and ExxonMobil, recently joined forces to launch "Plenti," a loyalty program that encompasses an entire team of retailers. American Express, which operates the program, previously established successful coalition loyalty programs...

May 28, 2015

RECon 2015: a Decidedly Global Outlook

We are back from the ICSC's RECon Global Retail conference, and needed the full long weekend to recover! More than 34,000 real estate professionals attended the event (substantially exceeding last year's attendance), and the mood among was decidedly upbeat...

May 20, 2015

Claims about Biodegradable Plastics Breakdown Under FTC Scrutiny: Marketers Beware!

In the recent administrative proceeding before the Federal Trade Commission (FTC) against ECM Biofilms, Inc. (ECM), the FTC's presiding chief administrative law judge (ALJ) ruled that the plastics additive manufacturer ECM violated the FTC Act by deceptively claiming, and...

May 14, 2015

The Future Starts Now... Gearing Up For the ICSC RECon Global Retail Conference

The annual ICSC RECon Global Retail conference is just around the corner. This year's conference takes place from May 17-20th at Las Vegas Convention Center. With over 34,000 attendees, RECon provides networking, deal making and educational opportunities for retail...

May 13, 2015

INTA 2015 Annual Meeting Recap

Last week, members of Goulston & Storrs joined over 9,900 attendees from around the world who converged on San Diego for the 2015 Annual Meeting of the International Trademark Association (INTA). This 137th meeting of INTA was its...

May 6, 2015

Blowdryers and Flatirons: The Real Estate Market Heats Up with Salon Suites

For years the price of entry for solo entrepreneurs in the health and beauty category was high. With similar fixed startup costs as any professional practice would have, such as real estate, insurance, supplies, but with much slimmer profit...

April 29, 2015

[Insert Your Trademark Here].sucks – Is Your Brand at Risk?

In recent years, the Internet Corporation for Assigned Names and Numbers (ICANN), the non-profit entity responsible for maintaining the Domain Name System of the Internet, has begun to introduce hundreds of new top-level domains. Top-level domains (TDLs) are the last...

April 22, 2015

Retail Innovation Districts: The Community Outfitters

For many decades, the downtown, metropolitan area of a city was considered the central breeding ground for innovation and economic development. Establishing a retail chain within a metropolitan hub was considered the benchmark of success and the most sure-fire...

April 16, 2015

Bite Kite Rides into Town: Cambridge Start-Up Tests New Trends in Fast Food Delivery

Take-out customers want quality food without complication and want it fast – with an emphasis on fast. In a service market increasingly focused on instant gratification, fast food providers are striving to reinvent delivery services to meet the demands...

April 8, 2015

Small Retailers Again Face Increased Health Insurance Costs

The owners of small retail businesses in Massachusetts have come to expect to pay higher health insurance costs than their counterparts in the rest of the country, and unfortunately last year was no exception. According to a recent survey by...

April 1, 2015

It's Time to Give Your Hiring Processes a Check-up. Are They Compliant?

As your prospective employees are brushing up on their interview skills, it's also a good time to ensure your hiring practices and procedures are in order. A regular review of employment application processes will keep them up-to-date. Scheduling time...

March 25, 2015

Climate Change Adaptation: Massachusetts Releases New Policies to Address

Boston and New York City, in the wake of Hurricane Sandy, undertook comprehensive climate change preparedness planning to review the vulnerabilities of each city's built environment and to assess potential measures to enhance the resilience of both public and private...

March 18, 2015

Massachusetts Expands Parental Leave Rights

Effective April 7, 2015, Massachusetts employers with six or more employees must provide childbirth leave on a gender neutral basis. Under a new Parental Leave Act law ("PLA") signed by former Governor Deval Patrick on the day before he...

March 11, 2015

The Pop-Up Regulatory Maze

Pop-up retail establishments, or "pop-ups," generally refer to stores, restaurants, or events with a short duration. Pop-ups are typical for seasonal retail products, like Christmas or fireworks, but they have become common for designers (clothes, furniture, toys, etc.), restaurateurs...

March 4, 2015

Lift Off for Commercial Drone Regulations

Drones are everywhere. Technological innovations have created countless commercial opportunities for drones, also known as unmanned aerial vehicles (UAVs). Until recently, however, the Federal Aviation Administration's (FAA) prohibitions on drone commercialization have contrasted starkly with the soaring growth of...

February 25, 2015

Recent Guidance on Geographically Descriptive Trademarks May Help Brand Owners

Brand owners frequently adopt geographic terms to describe the origin or a characteristic of goods, such as NANTUCKET NECTARS for beverages from Nantucket and HYDE PARK for high end apparel. They may also adopt such terms to describe the...

February 18, 2015

It's Snowing (Again!) – What Responsibility Does a Landlord Have for Snow and Ice Removal?

After four major snowstorms have buried much of Massachusetts in more than six feet of snow, and with other areas of the country dealing with storms of their own, landlords nationwide are wondering how responsible they are for clearing...

February 11, 2015

What's on the Menu? A Look at the New FDA Quick Serve Restaurant (QSR) Labeling Requirements

We recently reported in to our clients about a little-known element of the Affordable Care Act ("Obamacare") that will require many QSRs (Quick Serve Restaurants) to provide specific calorie and nutrition information to their customers and on their menus...

February 5, 2015

Video Interview: Discussing Mobile Payments and Data Security with LXBN TV

Following up on a recent post on mobile payments , I had the opportunity to discuss the growing adoption of Apple Pay, Google Wallet and mobile payments with Colin O'Keefe of LXBN. In the interview, I explain why the...

February 4, 2015

When Fashion Met Style...Spin-Off Stores

Over the past few years, there has been a discouraging rash of mall vacancies and closings, as traditional department stores and retail chains have had to close shop, lick their wounds, and get back to the drawing board in...

January 28, 2015

Would You Like Fries with that Sweater? Retailer and Restaurant Pairings

As retailers continue to embrace the omni channel retail experience, our blogging team explores consumer behavior behind the new trends. One topic we have followed lately is the convergence of retail and restaurants. For years restaurants have put roots...

January 21, 2015

Apple Pay and Google Wallet: Mobile Payment Going Mainstream

When Apple announced on September 9, 2014 that the iPhone 6 would be equipped with a mobile payment system appropriately called Apple Pay, the entire mobile payment universe woke up. Although competitors had existed for years, none had gained...

January 14, 2015

Retailing and Technology: Once an Afterthought, Now a Brave New World

There is a continued debate over brick-and-mortar and e-commerce driving innovation in the retail industry. Ultimately, technology enhances a shopper's experience but does not necessarily replace it. Much has been discussed about the success of retailers who embrace the omni channel...

January 7, 2015

Would You Like That Retail Purchase Take-Out or Delivery? The 2014 Holiday Season Saw Brick-and-Mortar Retailers and Shopping Centers Increasingly Offering Same-Day Delivery Services

Necessity is the mother of invention, as they say, and online retailers such as Amazon and Zappos (each offering free 2-day shipping to their Prime and VIP customers, respectively) are certainly driving traditional brick-and-mortar retailers and shopping center owners...