

FASHION LAW

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Fashion Law: Introduction

- ➔ Fashion Law covers the legal issues affecting the fashion industry, including design, manufacturing, branding, marketing, and retail.
- ➔ It combines intellectual property, contracts, labor law, sustainability, technology, and international trade.
- ➔ The field is rapidly expanding as fashion becomes more globalized and technology-driven.



Core Areas of Fashion Law

1

Intellectual Property (IP): protecting designs, logos, patterns, and brand identity.

2

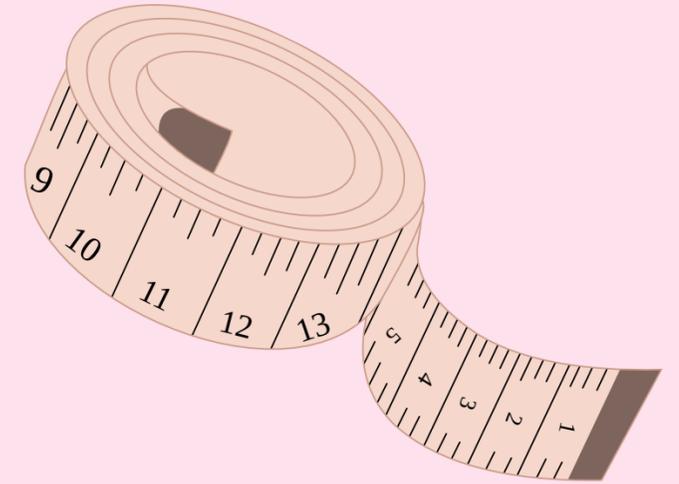
Commercial & Contract Law: agreements with designers, manufacturers, models, and retailers.

3

Labor & Supply Chain Law: fair working conditions, safety, import/export regulations.

4

Sustainability & Consumer Protection: truthful advertising, environmental claims, product labeling.



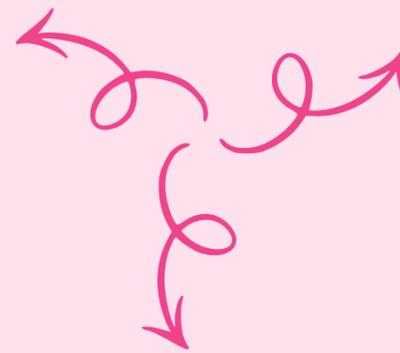
Copyright Protection in Fashion



Copyright protects original artistic elements, e.g., prints, patterns, graphics.



Useful for designers producing unique artistic designs; hard to enforce in fast fashion.



Clothing's functional nature limits copyright protection for silhouettes or cuts.



Trademark Protection & Branding

Trademarks protect brand names, logos, labels, slogans, and trade dress.

Very strong tool in fashion because consumer loyalty is brand-driven.

Prevents competitors from using confusingly similar marks.

Essential for luxury markets where brand identity has high financial value.



Dior

A black serif logo for the brand Dior, featuring a large 'D' and a smaller 'ior' to its right. A pink arrow points from the stack of books to this logo.



YSL

A black monogram logo for Yves Saint Laurent, consisting of the letters 'Y', 'S', and 'L' intertwined. A pink arrow points from the stack of books to this logo.



Design Patents / Registered Designs

Protect the ornamental appearance of products (shape, configuration, surface details).

Common for footwear (e.g., sneaker shapes), handbags, jewelry, and unique silhouettes.

Protection varies by jurisdiction: design patents (US), registered designs (EU).

Valuable in combating fast-fashion copies.



Counterfeiting & Anti-Piracy



Counterfeit goods pose major risks to luxury brands and consumer safety.

Enforcement tools: customs seizures, civil lawsuits, online marketplace takedowns.

Brands cooperate with governments and platforms to track counterfeit networks.

Digital counterfeits (e.g., fake NFTs) are a growing concern.

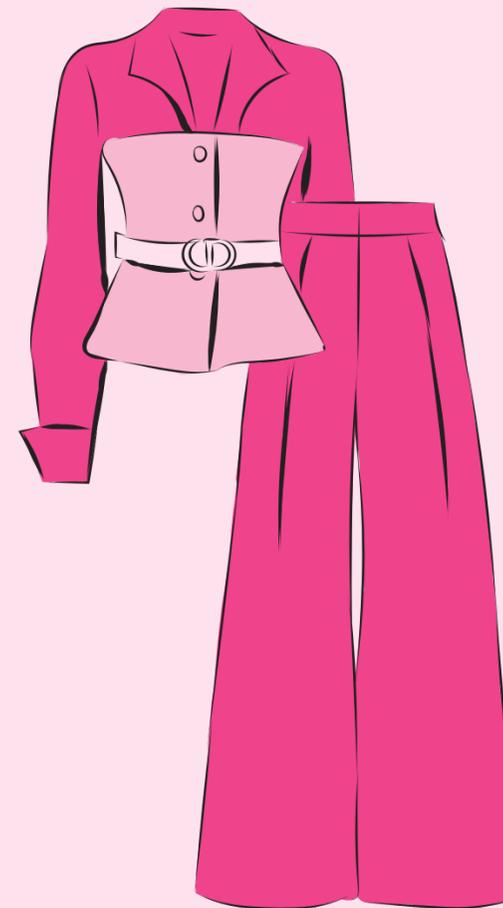
Contract Law in the Fashion Industry

Key agreements:

Licensing contracts (brand licensing, fragrance lines).

Manufacturing agreements (ownership of patterns, quality control).

Model and influencer contracts (image rights, usage terms).



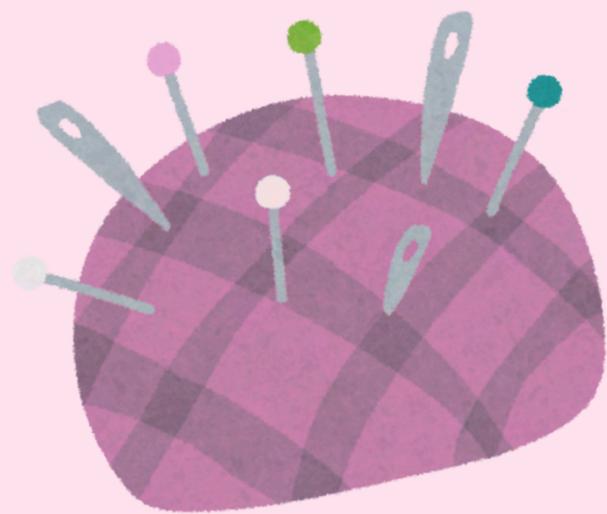
Critical clauses: confidentiality, IP ownership, moral clauses, termination rights.

Supply Chain & Manufacturing Compliance

Fashion companies must comply with labor law, wage regulations, and worker safety in all countries where garments are produced.

Import/export rules govern materials, textiles, and customs duties.

Ethical sourcing requires due diligence to avoid forced labor, child labor, and unsafe factories.



Sustainability & ESG Regulations

Increasing global pressure for sustainable materials and ethical production.

Laws address:

- 1° environmental disclosures
- 2° carbon footprint reporting
- 3° chemical use in textiles

Brands risk penalties for greenwashing if sustainability claims are misleading.

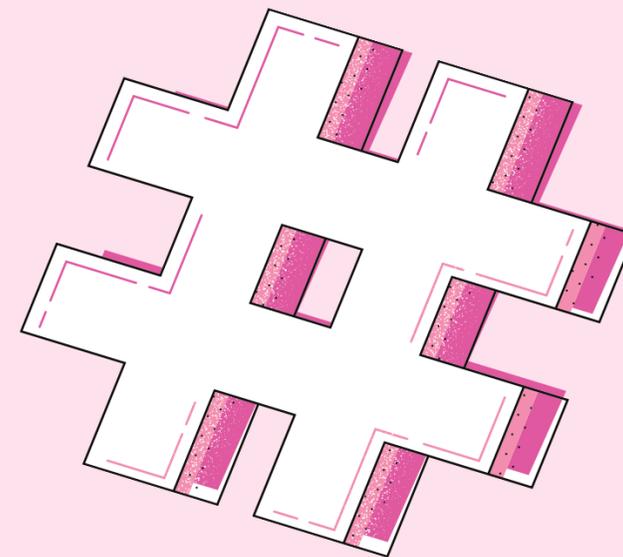


Advertising & Consumer Protection

Fashion marketing must follow truth-in-advertising standards.

Issues include misleading pricing, inaccurate material descriptions (e.g., “real leather”), and false sustainability claims.

Influencer marketing requires disclosures (#ad), under FTC, ASA, and EU Digital Services Act rules.



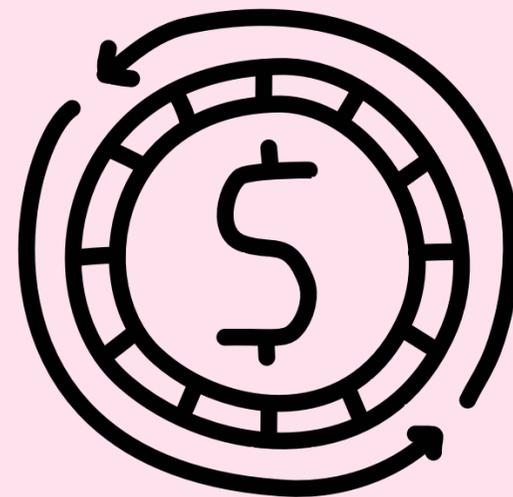
Right of Publicity & Models' Rights



Models have rights over their image, name, and likeness.



Misuse of a model's image can result in legal claims for damages.



Agencies and brands must ensure proper consent and licensing for photos, campaigns, and digital replicas (AI-generated imagery).



Technology & Wearable Fashion

Wearable devices and smart fabrics raise complex legal issues.

Concerns include:

- data privacy (sensors collecting user data)
- product liability (malfunctioning electronics)
- patents for technological innovations

Increasing overlap of fashion and tech companies.



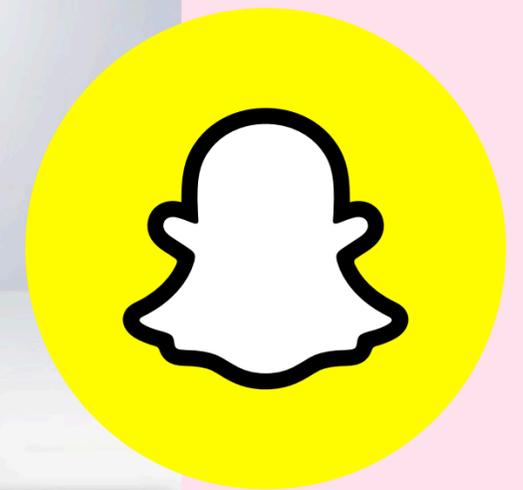
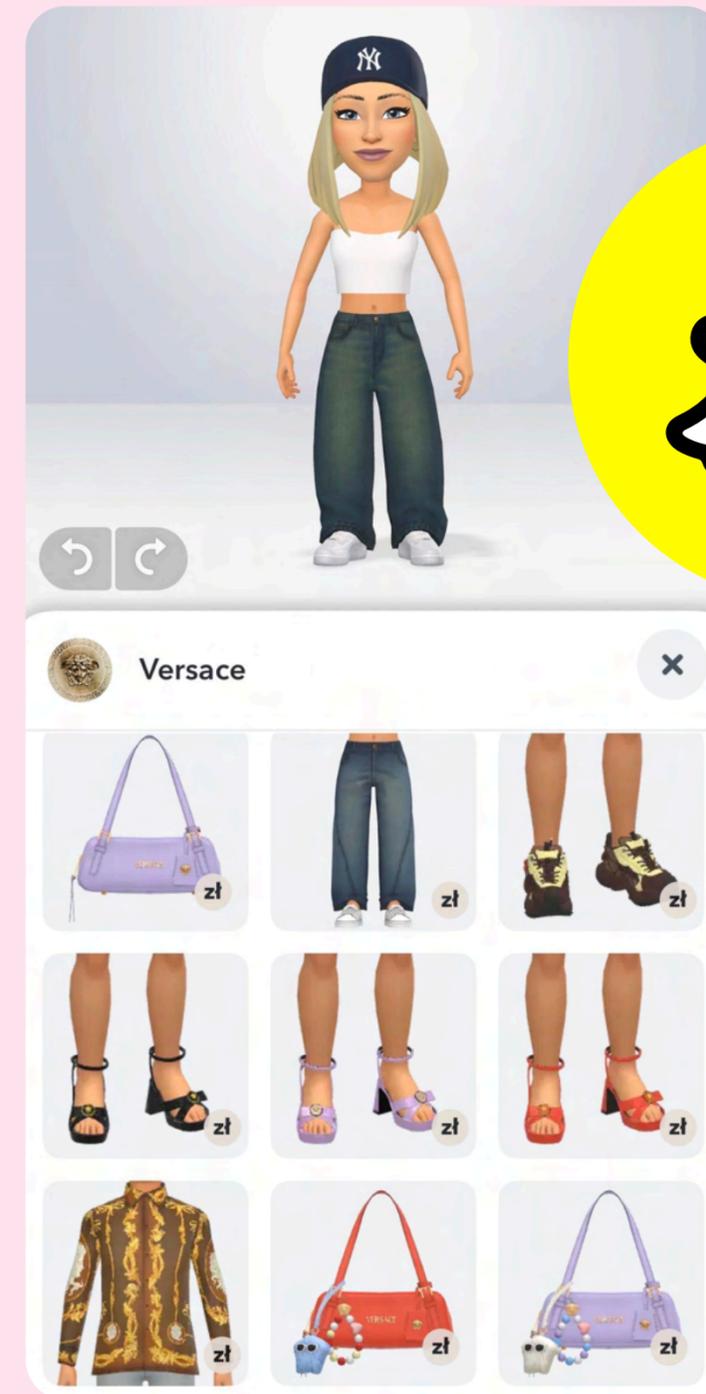
Digital Fashion, Virtual Goods & NFTs

Digital garments used in gaming, AR, and metaverse environments.

NFTs introduce questions of copyright ownership, licensing, and resale rights.

Virtual fashion houses must navigate the same IP laws as physical

Disputes arise over unauthorized digital replicas of real-world designs.



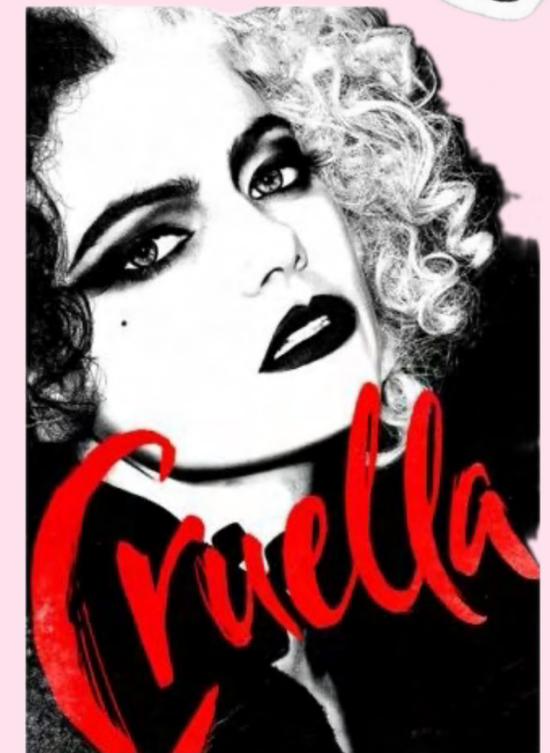
Fashion Law Fun Fact: “Cruella” (2021)

Cruella shows real Fashion Law issues, especially around design ownership and copying.

The story of one designer stealing another’s work reflects actual industry disputes

- Design Theft: Conflicts over who owns a fashion design and what counts as copying.
- Work-for-Hire: Designs created by employees usually belong to the fashion house.
- Confidential Designs: Sketches and collections are protected as trade secrets.

Cruella’s fight for creative credit mirrors real legal battles in fashion.



Glossary :



Intellectual property (IP) – własność intelektualna ~ IP protects the creative elements of a fashion brand.

Trademark – znak towarowy ~ A strong trademark helps consumers recognize the brand instantly.

Copyright – prawa autorskie- Copyright protects original prints and artistic designs.

Design patent / registered design – patent wzorniczy / zarejestrowany wzór ~ A design patent can stop competitors from copying a shoe's unique shape.

Counterfeiting – podrabianie ~ Counterfeiting harms luxury brands and confuses consumers.

Supply chain – łańcuch dostaw ~ A transparent supply chain proves a company's commitment to ethics.

Labor law – prawo pracy ~ Labor law ensures safe working conditions for garment workers.

Sustainability – zrównoważony rozwój ~ Brands are required to report their sustainability practices honestly.

Greenwashing – ekościema ~ Greenwashing occurs when brands exaggerate their environmental efforts.

Advertising standards – standardy reklamowe ~ Advertising standards demand that prices and descriptions are truthful.

Glossary :



Consumer protection – ochrona konsumenta ~ Consumer protection laws prevent misleading product claims.

Influencer disclosure – oznaczenie współpracy (np. #ad) ~ Influencers must include proper disclosure when promoting products.

Right of publicity – prawo do wizerunku ~ The right of publicity prevents unauthorized commercial use of a model's image.

Likeness – podobizna ~ Using someone's likeness without permission can lead to legal claims.

Wearable technology – technologia ubieralna ~ Wearable technology raises concerns about data privacy.

Product liability – odpowiedzialność za produkt ~ Product liability applies when faulty electronics cause harm.

Digital replicas – cyfrowe repliki ~ Unauthorized digital replicas of real designs can violate IP rights.

Virtual goods – dobra wirtualne ~ Virtual goods are becoming a major revenue source in gaming and fashion.

NFT (non-fungible token) – niewymienialny token ~ NFTs challenge traditional ideas of copyright ownership.

Licensing agreement – umowa licencyjna ~ A licensing agreement allows a company to produce goods under a brand's name.

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THANK
YOU



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