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INTELLECTUAL PROPERTY RIGHTS IN FASHION INDUSTRY: NAVIGATING CREATIVITY AND COMMERCE

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I. ABSTRACT

The fashion industry, a dynamic blend of creativity, commerce, and culture, thrives on innovation and distinctiveness. However, the protection of intellectual property (IP) within this sector remains complex and often inadequate. This research explores the multifaceted role of Intellectual Property Rights (IPR) including copyright, design, trademark, patent, and geographical indications in safeguarding creative assets in the global and Indian fashion industries. Through analysis of landmark cases such as Rajesh Masrani v. Tahiliani Design Pvt. Ltd., Louis Vuitton Malletier v. Atul Jaggi, and Christian Louboutin v. Yves Saint Laurent, the paper underscores how IP frameworks shape brand identity, preserve originality, and combat counterfeiting. Comparative insights from India and France highlight the divergence in legal protections, with France offering robust IP and haute couture regulations, while India faces challenges of weak enforcement, fragmented laws, and the rise of fast fashion and digital piracy. The study further emphasizes contemporary issues such as sustainability, consumer awareness, and the growing counterfeit market, urging the need for comprehensive IP reforms and international cooperation. Ultimately, it argues that a stronger, adaptive, and technology-integrated IPR regime is vital to nurture creativity, ensure fair competition, and secure the long-term economic and cultural value of the fashion industry.

II. KEYWORDS

Intellectual Property Rights, fashion law, fast fashion, counterfeiting and piracy, comparative legal frameworks.

III. INTRODUCTION

Fashion is a vast and dynamic concept one that means different things to different people, depending on geography, culture, and personal taste. The fashion industry, often referred to as the apparel industry, extends far beyond just clothing. It

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encompasses everything from garments and accessories to the creation of unique brands built on creativity and identity. A brand's value often lies in its distinctive elements from signature prints and patterns to iconic designs that set it apart in a crowded market.

At its core, fashion design is an art form. It requires imagination, a sharp eye for detail, and an ability to transform inspiration into wearable expression. Iconic creations such as the Hermès

Kelly Bag, Manish Malhotra's bridal couture, Chanel No. 5 perfume, or the Patek Philippe Nautilus watch are all results of extraordinary artistic skill and intellectual creativity.

Yet, despite being a multibillion-dollar industry driven by innovation and passion, the role of Intellectual Property (IP) in fashion remains undervalued and often misunderstood. Issues like counterfeiting and imitation have overshadowed genuine creative protection, leaving designers vulnerable in a field that thrives on originality.

A. Research Problem

1. Although the fashion industry depends heavily on creativity, protecting original designs through IPR is still challenging, especially in India.
2. The existing laws often overlap and lack strong enforcement, making it difficult to clearly protect fashion creations.
3. With the growth of fast fashion and online platforms, copying and counterfeiting have become quicker and more widespread.
4. Many designers and artisans do not have enough awareness or resources to protect their work effectively.
5. Compared to France, India's system still shows gaps in protection and implementation.
6. This raises an important question: Are current IPR laws enough to protect creativity in the fashion industry or is reform needed?

B. Research Objectives

1. To understand how effectively Intellectual Property Rights, protect creativity, innovation, and business interests in the fashion industry, with a comparative focus on India and France.
2. To examine how different forms of IP protection such as copyright, design, trademark, patent, and geographical indications work together and where they fall short in the Indian fashion sector.
3. To explore how trademarks, trade dress, and Geographical Indications help prevent copying, counterfeiting, and misuse of traditional fashion and textile heritage.
4. To analyse the challenges posed by fast fashion, digital piracy, online marketplaces, and weak enforcement to the protection of fashion-related Intellectual Property Rights.
5. To study the link between Intellectual Property Rights and sustainability in fashion, and to suggest legal and policy reforms that better support designers, artisans, and responsible fashion practices in India.

C. Research Questions

1. How well do current Intellectual Property laws actually protect creativity and brand identity in the fashion industry?
2. How do different IP laws especially copyright, design, trademark, patent, and GI laws interact in the Indian fashion sector, and how have courts interpreted these overlaps?
3. How effective are trademarks, trade dress, and Geographical Indications in protecting fashion brands and traditional textiles from copying and counterfeiting?
4. In what ways have fast fashion, online platforms, and digital piracy made it harder to enforce Intellectual Property Rights in the fashion industry?

D. Research Methodology

1. This study uses a doctrinal and qualitative approach to understand how Intellectual Property Rights (IPR) function in the fashion industry.

2. The research is mainly descriptive and analytical, as it explains existing laws and also evaluates how effective they are in practice.
3. A comparative element has been included to understand the differences between the legal systems of India and France.
4. The research is based on a doctrinal method, which means it focuses on studying laws, legal principles, and court decisions rather than collecting field data.
5. Primary sources used in the study include:
 - Key legislations related to IPR in India
 - Relevant legal frameworks in France
 - Important judicial decisions that shape fashion law
6. Secondary sources include:
 - Books, research papers, and legal journals
 - Industry reports and policy documents
 - Reliable online legal databases
7. The study also uses case law analysis to understand how courts interpret overlapping intellectual property rights in the fashion industry.
8. A comparative analysis helps in identifying gaps and strengths in both Indian and French legal systems.
9. Additionally, a thematic analysis is used to explore major issues such as counterfeiting, fast fashion, digital piracy, and sustainability.
10. The scope of the research is limited to major forms of IPR like copyright, design, trademark, patent, and geographical indications, specifically in the context of fashion.
11. The study focuses only on India and France and does not cover other jurisdictions.
12. Limitations:
 - The research relies only on secondary data
 - No fieldwork or empirical study has been conducted

- Due to the fast-changing nature of the fashion industry, some recent developments may not be fully covered

Overall, this methodology helps in giving a clear understanding of the legal framework, while also highlighting practical challenges and possible improvements.

IV. THE MULTIFACETED ROLE OF IPR IN SAFEGUARDING FASHION ASPECTS

A. The Interplay of Copyright and Design Protection in India

The Copyright Act, 1957 and the Designs Act, 2000 often overlap in matters concerning the protection of designs. According to Section 15(1) of the Copyright Act, copyright protection does not extend to any design that has been registered under the Designs Act. Consequently, once a clothing design is registered under the Designs Act, it cannot also be protected under the Copyright Act. From that point on, the design is covered only by the rules of the Designs Act, which exclusively governs its protection and right.

On the other hand, Section 15(2) of the Copyright Act addresses situations where a design, although capable of registration under the Designs Act, remains unregistered. In such cases, the Copyright Act grants limited copyright protection to the design. However, this protection ceases once the design has been replicated more than fifty times through industrial manufacturing. Thereafter, the design loses its copyright protection and must rely on registration under the Designs Act for continued legal safeguard. In *Rajesh Masrani v Tahiliani Design Pvt Ltd*², the court laid important groundwork for understanding the distinction between an “artistic work” and a “design” under Indian law. This judgment clarifies how to determine whether a particular creation qualifies as an artistic work protected by copyright, or as a design governed by the Designs Act, 2000. This position was further reinforced in *Ritika Private Limited v Biba Apparels Private Limited* (CS (OS) No. 1476 of 2011, Delhi High Court), where the Court held that once a design capable of registration is applied to garments and reproduced on a commercial scale, copyright protection ceases under

² *Rajesh Masrani v Tahiliani Design Pvt Ltd*, 2009 (39) PTC 21 (Del).

Section 15(2) of the Copyright Act. Together, these decisions define the contours of protection available to fashion designs in India, particularly in the context of mass-produced apparel.

B. Trademark and Geographical Indications: Establishing Brand Identity and Origin

Section 2(zb) of the Trademark Act, 1999 defines a trademark as any mark that can be shown visually and helps distinguish one person's goods or services from another's. This can include the shape of a product, its packaging, or even a specific colour combination.

In simpler terms, a trademark can be a word, name, symbol, design, or colour pattern used in business to identify and set products apart. For example, the "Gucci" name and its famous double-G logo instantly tell consumers that a bag or garment comes from Gucci, not another brand. Trademarks like these help build a brand's reputation and are key to maintaining its prestige and market value.

Fashion houses spend heavily to protect their unique identity, and trademark law also covers "trade dress", the overall look and feel of a product, including its shape, colour, packaging, and marketing style.

In *Louis Vuitton Malletier v Atul Jaggi & Anr*³, the Delhi High Court restrained the defendants from infringing and passing off Louis Vuitton's iconic trademarks "LOUIS VUITTON" and "LV" by using nearly identical marks. The court also awarded damages, reinforcing how trademark law shields luxury brands from imitation. Fashion designers can use trademark law to protect not just brand names and logos, but also distinctive product features. For example, Burberry owns trademarks for both the "Burberry" name and its signature plaid pattern.

As of April 2026, textiles and handlooms remain the most prominent category in India's Geographical Indications (GI) Registry, with over 200 registrations out of more than 650. This shows how important traditional weaving and craftsmanship are to India's cultural identity. Recently, several unique textiles like Ponduru Khadi from

³ *Louis Vuitton Malletier v Atul Jaggi & Anr*, 2007 (35) PTC 697 (Del).

Andhra Pradesh⁴, Tripura Risa, and woolen textiles from regions like Kashmir, Sikkim, and Arunachal Pradesh have been added, highlighting efforts to protect local traditions. At the same time, well-known textiles such as Kancheepuram Silk, Banaras Brocades, Muga Silk, and Patan Patola continue to represent the rich diversity of Indian fabrics across states. To help consumers identify genuine products, the GI Registry has also introduced official logos for certain textiles like Mysore Silk and Kullu Shawls⁵. Importantly, GI registration gives legal protection by allowing only authorized producers from a specific region to use the name, while also ensuring that the products meet certain quality and traditional standards.

C. Patent Protection for Functional Operation

Patents may not be the first thing that comes to mind in the fashion world, since artistic creations themselves cannot be patented. However, the innovative technologies and processes behind these creations often qualify for patent protection. For example, patents have been granted for technologies used in manufacturing Crocs shoes, wrinkle-free fabrics, UVblocking textiles, and water-repellent materials. A notable case is that of Novozymes, a Danish biotech company specializing in enzymes and microorganisms. Novozymes developed and patented an enzyme-based technology using cellulase for treating denim fabric, giving jeans the “stone-washed” look. Within a few years, this enzyme-based biostoning technology saw significant adoption across the global denim industry as a more sustainable alternative to traditional pumice stone-washing methods, particularly throughout the 1990s. This example highlights how innovation and intellectual property intersect in fashion where science and style come together to create both artistic appeal and commercial value

⁴ Press Release, Press Info. Bureau, Ministry of Com. & Indus., Ponduru Khadi of Andhra Pradesh Granted Geographical Indication (GI) Tag by the Geographical Indications Registry (Mar. 26, 2026), <https://www.pib.gov.in/PressReleasePage.aspx?PRID=2215465>.

⁵ List of Geographical Indication Tags in India, Guidely (Oct. 3, 2024), <https://guidely.in/blog/list-of-geographical-indication-tags-in-india>.

V. TRADEMARKS: THE FOUNDATION OF FASHION BRAND EQUITY

Trademarks are one of the most vital aspects of Intellectual Property (IP) protection in the industry of fashion. They help distinguish a brand's identity and are crucial for building brand recognition and consumer loyalty. In the highly competitive fashion world, trademarks play a pivotal role in protecting the brand's unique elements, such as names, logos, slogans, and even specific product features.

The importance of trademarks in the fashion industry lies in their ability to establish a unique brand identity and ensure consumer trust. In a highly competitive market, trademarks act as powerful tools of brand recognition, allowing consumers to instantly associate a product with its source, quality, and prestige. They protect the goodwill and reputation of fashion houses such as Gucci, Louis Vuitton, or Dior, where the value of the brand often exceeds the material cost of the product itself. Trademarks also safeguard fashion companies from counterfeiting, which is a rampant issue in global markets, by giving them legal rights to act against unauthorized use of their logos, names, and designs. Furthermore, trademarks enhance brand equity, enabling fashion houses to maintain exclusivity and premium pricing. They also facilitate global expansion by ensuring international recognition and protection across jurisdictions.

In essence, trademarks are vital in preserving creativity, authenticity, and the economic value of brands in the fashion industry. With consumerism and disposable income India's retail sector has seen explosive growth over the last decade, fuelled by the arrival of big international brands like Zara, Guess, Nautica, and Gant. This wave of global players has transformed the shopping experience and made international fashion easily accessible across the country. At the same time, the Indian film industry especially Bollywood continues to play an enormous role in promoting homegrown fashion. Bollywood celebrities play a significant role in shaping fashion trends in India, both on and off screen, with millions of consumers drawing inspiration from their style choices.

For instance, widely publicised looks such as Deepika Padukone's Sabyasachi-designed wedding lehenga, or the outfits worn by Salman Khan and Shah Rukh Khan in popular films, often set nationwide trends. This strong influence has important legal implications, as it increases the commercial value and recognisability of specific designs, thereby strengthening claims for intellectual property protection. At the same time, the rapid replication of such celebrity-endorsed styles by fast fashion brands also highlights the challenges of enforcement, as designers struggle to prevent unauthorized copying despite the growing visibility and distinctiveness of their creations.

VI. COMPARATIVE LEGAL FRAMEWORKS: INDIA VS. FRANCE

In India, trademarks are governed by the Trademarks Act, 1999, and overseen by the Controller General of Patents, Designs, and Trademarks (CGPDTM), which is the authority responsible for managing trademark registrations and related matters in India. This means that to protect a brand legally, registration must be done through this authority, ensuring that the owner has exclusive rights to use the mark and prevent others from copying or misusing it. gives the owner exclusive rights, legal protection against infringement and power to license or assign the mark. Under the Trademarks Act, 1999, trademarks in India may be refused registration on absolute or relative grounds.

Absolute grounds, outlined in Section 9, include marks that are non-distinctive, merely descriptive, deceptive or misleading, scandalous, or use official emblems or functional shapes; such marks are inherently unregistrable regardless of existing trademarks. Relative grounds, under Section 11, arise when a proposed mark conflicts with prior rights of others, such as being identical or deceptively similar to an existing or wellknown mark, or conflicting with pending applications. In the fashion industry, these provisions are really crucial in protecting the identity of the brands and exclusivity examples include

Gucci's "GG" logo, Louboutin's red soles, and Burberry's check pattern, which are safeguarded against infringement or dilution through both absolute and relative trademark protections.

Fashion law in France represents a distinct and sophisticated legal framework crafted to safeguard and celebrate the country's renowned heritage of craftsmanship. In today's global market where creativity and innovation drive competition, French fashion and luxury brands rely heavily on these legal protections. Understanding the laws that govern manufacturing, distribution, and intellectual property is vital for preserving the integrity, originality, and prestige that define France's fashion industry. The term "Haute Couture" is legally protected and officially defined by the Paris Chamber of Commerce.

The Haute Couture Syndicate (Chambre Syndicale de la Haute Couture) decides which luxury fashion houses can earn this prestigious title. To qualify, a company must follow strict rules i.e. it must create made-to order garments for private clients, operate at least two workshops (with at least one located in Paris), and present a collection of at least 50 original designs each fashion season. What really makes a brand "Haute Couture?" The Original 1945 Criteria Under the strictly enforced 1945 order, a fashion house (maison) had to meet these specific technical and professional standards:

1. **Custom-Made Garments:** All clothing must be designed made-to-order for private clients, requiring one or more personal fittings.
2. **The Paris Atelier:** The house must maintain a workshop (*atelier*) in Paris that employs at least 15 people full-time.
3. **Technical Staffing:** Within the workshops, there must be at least 20 full-time technical workers (such as *petites mains*, or seamstresses).
4. **Seasonal Collections:** The house must present a collection of at least 50 original designs to the public twice a year (January and July).
5. **Variety of Styles:** These collections had to include a specific mix of both day wear and formal evening wear.

VII. THE MODERN EVOLUTION

While the 1945 decree is the "gold standard," the *Fédération de la Haute Couture et de la Mode* has introduced some flexibility to ensure the craft survives in a modern economy.

1. **Staffing Reductions:** In the late 1990s, the requirement for full-time staff was lowered to 15 (down from 20) in some instances to accommodate smaller, high-quality houses.
2. **Look Count:** The minimum number of original designs presented per season has been reduced from 50 to 25 outfits to reflect the immense cost and labor required for modern high fashion.
3. **Membership Tiers:** The Syndicate now categorizes houses into three groups:
 - **Permanent Members:** The historic French houses (e.g., Chanel, Dior).
 - **Correspondent Members:** Foreign houses that meet the criteria but are based outside Paris (e.g., Giorgio Armani, Elie Saab).
 - **Guest Members:** Emerging brands invited to show during Couture Week to keep the industry fresh.

Once approved, a house is added to an official list updated annually, and only those on this list can legally call themselves haute couture. The runway presentations for the collections are elaborate, almost like theatrical performances, and play a key role in defining the identity and visibility of haute couture.

In *Christian Louboutin S.A. v. Yves Saint Laurent Am. Holding, Inc.*⁶, the U.S. Court of Appeals for the Second Circuit delivered a balanced decision, giving partial relief to both sides. The court disagreed with the earlier view that colour can never be trademarked in fashion and held that a colour can be protected if it has acquired brand recognition. However, it limited Louboutin's trademark by stating that protection applies only when the red sole contrasts with the rest of the shoe. The court also clarified that trademark law should not restrict fair competition by allowing exclusive

⁶ *Christian Louboutin S.A. v. Yves Saint Laurent Am. Holding, Inc.*, 696 F.3d 206 (2d Cir. 2012).

rights over features that are essential to design. As a result, Louboutin retained rights over its signature contrasting red sole, but Yves Saint Laurent was not found liable because its shoes were entirely red and did not create the required contrast. In India in the case of *Christian Louboutin S.A.S. v. Pawan Kumar & Ors*⁷, the Delhi High Court took a strong stand in favour of Louboutin, offering broader protection than what was seen in the U.S. case. The Court recognised the red sole as a well-known trademark, giving it a high level of protection because of its global reputation. It also accepted that Indian consumers were already familiar with the brand through international exposure, even before its major presence in India.

Unlike the U.S. ruling, the Court did not limit protection only to contrasting soles and treated the red sole itself as a distinctive feature of the brand. As a result, the defendants were held liable for copying, and the Court granted damages along with a permanent injunction. However, this approach was later challenged in *Christian Louboutin v. Abubaker*⁸, where the Court took a narrower view, questioning whether a single colour alone can be protected as a trademark under Indian law.

In *Copad SA v Christian Dior couture SA, Vincent Gladel and Société industrielle lingerie (SIL)*, Case C-59/08 (CJEU, 23 April 2009)⁹, the dispute arose from a breach of a trademark licensing agreement rather than trademark infringement by a third party. Dior's licensee, Société industrielle lingerie (SIL), sold Dior-branded goods to a discount retailer, Copad SA, in violation of a selective distribution clause intended to preserve the luxury image of the brand.

The Court of Justice of the European Union held that a trademark proprietor may invoke its trademark rights against a licensee where the breach of contractual conditions, particularly those aimed at maintaining the prestige and aura of luxury goods, adversely affects the quality and reputation associated with the mark. This decision highlights the role of trademark law in protecting not only origin but also the luxury image and commercial value of branded goods.

⁷ *Christian Louboutin S.A.S. v. Pawan Kumar*, (2017) 245 D.L.T. 1 (India).

⁸ *Christian Louboutin S.A.S. v. Abubaker*, (2018) 74 P.T.C. 301 (Del.) (India).

⁹ Cour de cassation [Cass.] [highest court of ordinary jurisdiction] com., Sept. 22, 2009, Bull. civ. IV, No. 06-18.330 (Fr.).

The relationship between copyright and industrial design often creates confusion, especially when creative works are produced on a large scale. France and India deal with this issue in very different ways. In France, the “Unity of Art” doctrine takes a broad and flexible approach there is no strict distinction between art and design. As long as a creation is original, it can be protected under both copyright and design law at the same time, even if it is mass-produced. This gives designers strong and long-lasting protection.

In contrast, India follows a more restrictive system under Section 15 of the Copyright Act, 1957, which separates copyright and design protection. If a design is registered under the Designs Act, copyright protection ends. Even if it is not registered, copyright will still be lost once the design is reproduced more than fifty times. In simple terms, Indian law limits dual protection for mass-produced designs. This approach must also be viewed in light of the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS), 1994, which establishes minimum standards for copyright, design, and trademark protection binding on both India and France as WTO members.

While France, through European Union design regulations and the unity of art doctrine, often exceeds TRIPS standards by allowing cumulative protection, India’s restrictive threshold under Section 15(2) has been critiqued as falling short of the broader objective of protecting creative works under the TRIPS framework. Overall, while the French approach is more designer-friendly, the Indian system seeks to balance creativity with competition, albeit with certain limitations in light of international obligations.

VIII. CONTEMPORARY CHALLENGES: PIRACY, SUSTAINABILITY, AND FAST FASHION

A. India

The Indian fashion industry is thriving, blending traditional craftsmanship with modern design, but intellectual property (IP) protection remains inconsistent. While big brands secure their creations, emerging designers and artisans often lack awareness or resources to protect their work. Globally, luxury brands like Burberry

and H&M take extreme measures to prevent counterfeiting, but in India, piracy is still widespread. The main concerns here are knock-offs and counterfeits. Knock-offs are cheaper versions that copy the style or design of original products but are sold under different names, so they don't directly pretend to be the original brand. On the other hand, counterfeits are illegal copies that closely imitate a brand's name, logo, and overall look, with the intention of misleading consumers into thinking they are buying genuine products. Stronger IP safeguards are needed to protect creativity and ensure fair recognition for designers.

The fast fashion industry fuels this problem by rapidly producing cheap copies of the latest trends, diminishing designer's original work and accelerating unsustainability. This cycle drains natural resources and exploits labour, while piracy weakens the creative momentum by offering short-lived knockoffs instead of rewarding innovation. The vast rise of e-commerce platforms further complicates enforcement, enabling easier access to pirated goods.

Despite existing laws like the Copyright Act, Designs Act, and Trademark Act, India's fashion IP protection struggles against the scale and speed of counterfeiting. Many designers lose their crucial first-mover advantage when ideas are copied with near-immediacy due to the speed of digital transmission. The growing middle-class consumer base looking for low-cost branded knockoffs also feeds this counterfeit market.

Ultimately, India's fashion laws need urgent strengthening and better enforcement to protect creativity, sustain the industry's growth, and curb the damaging effects of piracy both economically and socially for the benefit of original creators and the country's cultural heritage.

India's fashion industry, rich in cultural and creative diversity, has gained global recognition but faces serious threats from piracy and design infringement. With no central law for fashion IP, existing protections are fragmented. The Fashion Design Council of India (FDCI) advocates for stronger laws and sustainable practices. However, the rapid spread of designs through digital media worsens copying and

plagiarism. A comprehensive IPR framework and greater awareness among designers and artisans are essential to secure India's creative fashion heritage.

B. France

In France, luxury brands remain prominent, representing over one quarter of the global, luxury industry.¹⁵⁰ France's luxury brand industry is nearly three times the size of the United States luxury brand sector¹⁰¹¹. In 1995, French officials and private agencies created Le Comite National Anti-Contrefacon (The National Anti-Counterfeiting Committee (CNAC). The CNAC, along with the Comite Colbert, focuses on informing consumers about the dangers of counterfeit goods as well as the possible penalties individuals would face if they purchased or possess any counterfeit goods¹². The Comite Colbert, an organization comprised of key members of the French luxury industry, notes that the luxury goods business remains a strategic imperative to France because of the considerable size, presence and influence of luxury designers in the country.¹³

A recent McKinsey study revealed that the fashion industry produced around 2.1 billion metric tons of greenhouse gas emissions in 2018 that's about 4% of global emissions. At the pace we're going, the industry is still far from meeting international climate goals aimed at limiting global warming.

To turn things around, we need to encourage more responsible consumer habits, promote textile recycling, and rethink how we produce and use fashion. These efforts align with UN Sustainable Development Goal 12, which focuses on ensuring responsible consumption and production patterns for a healthier planet.

¹⁰ Global Powers of Luxury Goods 2019: Bridging the Gap Between the Old and the New, Deloitte, 25 https://www2.deloitte.com/content/dam/Deloitte/ar/Documents/Consumer_and_Industrial_Products/Global_Powers-of-Luxury-Goods-abril-2019 [https://perma.cc/GZ34-74MV (last visited 16 Oct, 2025)].

¹² Conseil National des Activités Privées de Sécurité (CNAC), Sur Internet, un faux produit est-il une vraie affaire? <http://www.cnaccontrefacon.fr/publication/content/ART17245.php?archive=0&StartRow=0&order=1> [https://perma.cc/GD9K-Z6TV (last visited 16 Oct, 2025)].

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IX. SUGGESTIONS AND RECOMMENDATIONS

Fashion brand owners in India and France must prioritize early protection of intellectual property to safeguard their creative assets. In India, this involves registering trademarks, copyrights, and designs with the Controller General of Patents, Design and Trademark (CGPDTM) where applicable, leveraging Geographical Indications (GI) for region-specific textiles. In France, designers should secure trademarks and designs through INPI or the EUIPO and use unregistered community design rights for short-lived collections, while ensuring compliance with haute couture regulations. Both countries require proactive market monitoring to detect knockoffs and counterfeits, using tools for tracking e-commerce platforms and social media, and collaborating with customs authorities and industry associations for enforcement.

Collaboration with industry bodies further strengthens brand protection. In India, bodies like the Fashion Design Council of India (FDCI) and the Apparel Export Promotion Council (AEPC) offer advocacy and guidance, while in France, the *Chambre Syndicale de la Haute Couture* and CNAC support enforcement and recognition. Sustainability is increasingly important, and brands are encouraged to adopt eco-friendly fabrics, ethical production practices, and SDG-aligned initiatives, aligning with EU circular economy policies and India's emerging sustainable textile frameworks. Additionally, ongoing legislative reform in India, including proposed amendments to the Designs Act, 2000 under consideration by the Ministry of Commerce, should be prioritised to modernise design protection.

Suggested reforms include extending the term of protection and streamlining registration procedures, while reconsidering limitations such as the fifty-reproduction threshold under Section 15(2) of the Copyright Act. Finally, strategic legal and business planning, including retaining intellectual property specialists, drafting licensing agreements, and considering IP insurance, is essential for mitigating risks and ensuring long-term brand success in both domestic and international markets.

X. CONCLUSION

The fashion industry, characterized by rapid innovation, creativity, and cultural significance, faces persistent challenges in safeguarding intellectual property. Designers and brands are increasingly vulnerable to counterfeiting, knockoffs, and digital piracy, which threaten both economic value and creative integrity. While countries like France benefit from a robust legal framework including copyright, design, and trademark protections, as well as haute couture regulation and India are progressively strengthening its IP regime, gaps in enforcement, fragmented laws, and the rise of fast fashion and digital platforms pose significant hurdles.

Effective IPR protection in fashion requires a multi-pronged strategy, early registration of trademarks, designs, and copyrights, vigilant market monitoring, leveraging international systems like the Madrid Protocol and EU design rights and employing technological tools for authentication. Collaboration with industry associations, alignment with sustainability goals, and proactive legal planning further enhance protection. Ultimately, a comprehensive and adaptive IPR framework, combined with awareness and capacity-building for designers, is essential to foster creativity, ensure fair competition, and secure the long-term growth of the fashion industry globally.

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