Knock it off! Quashing design pirates

Proposed legislation takes on the fakes

By Narciso Rodriguez and Susan Scafidi

As fans of “Project Runway” know, fashion design can be a brutal and extremely competitive way to make a living. Fortunately for the most visionary and creative fashion designers, a new day may be dawning. It won’t make the work easier, but it may make it more rewarding.

Why? Recently introduced federal legislation is taking aim at predatory design pirates who steal, copy and take the lion’s share of profit from young independent designers’ freshest work.

The law, if passed, will make it easier for American fashion designers to protect their creations unique new designs or hire creative designers to reinterpret the season’s trends. The result? More and better choices for consumers on a budget.

Critics would have you believe that fashion, unlike other creative endeavors, benefits from outright theft of designs. It’s just fashion, they say, and we really don’t need to encourage any more of that. It’s transitory and disposable, they say; and doesn’t deserve exclusivity. Copying is the thing that keeps prices low, they assert.

Nonsense. What copying does in fashion is what it always does — cuts out the innovator, lowers quality and quashes honest commerce.

When the law catches up with fashion, expect great things.

Fashion designer Narciso Rodriguez serves on the board of the Council of Fashion Designers of America and has dressed first lady Michelle Obama. Professor Susan Scafidi is the academic director of the new Fashion Law Institute at Fordham Law School.

Narciso Rodriguez designed dresses for first lady Michelle Obama, left, and the wedding dress of Carolyn Bessette, right, who married John F. Kennedy Jr. ALEX BRANDON/AP PHOTO, LEFT, DENIS REGGIE PHOTO

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Americans would compete more effectively with designers in other countries. Fashion is a trillion-dollar global industry, but American law treats designers like poor relations. Europe, Japan and India all have laws covering fashion design.

Industry partnerships would increase affordable fashion choices. With design pirates and unauthorized copies out of the equation, a closer relationship would emerge between designers, manufacturers and retailers. There would be more incentive for companies to license unique new designs or hire creative designers to reinterpret the season’s trends. The result? More and better choices for consumers on a budget.

The proposed Innovative Design Protection and Piracy Prevention Act is tailored to reflect the specific needs of the fashion industry and protects only designs that are new and original. It reflects the input of creators, producers and consumers. And it employs intellectual property protection to recognize the talent of fashion designers, elevating their legal status to a level consistent with their contribution.

The proposed legislation is a win-win for everyone.

The law would provide three years of exclusivity for designs, so small businesses would have a better chance. In today’s economy, when a Chicago designer like Maria Pinto can receive international attention for dressing Michelle Obama and still have to close her business, fashion designers need all the help they can get.

Design pirates would have to walk the plank. Today, trade shows and red carpets are like free buffets for knockoff artists who steal designs straight off the runway and produce copies before the originals even reach stores. The law would give designers legal recourse against such plagiarism, making this all-too-common practice illegal and mandating real consequences for those who copy.

More start-up fashion companies would succeed. Given the speed with which information travels via the Internet, fashion copies can be manufactured overseas cheaply, shipped back to the U.S. and end up on the street before the original designer has a chance to recover his or her investment. The result? Designers lose orders as poorly made but otherwise substantially identical merchandise becomes available.

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