

# Knock it off! Quashing design pirates

Proposed legislation takes on the fakes

By Narciso Rodriguez and Susan Scafidi

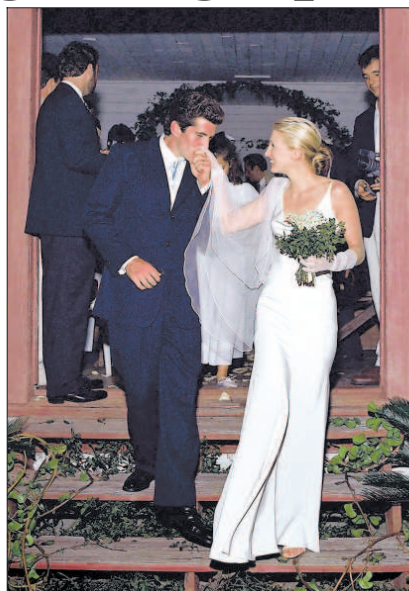
As fans of "Project Runway" know, fashion design can be a brutal and extremely competitive way to make a living. Fortunately for the most visionary and creative fashion designers, a new day may be dawning. It won't make the work easier, but it may make it more rewarding.

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. If the law is passed, a new generation of American fashion designers will finally be playing on a level field. And not just in New York or Los Angeles, but across the country in cities like Chicago — a place that offers world-class education in fashion design, is the home of international taste maker Ikram Goldman, and holds the distinction of having turned out the best-dressed first lady in generations.

We are a fashion designer and a law professor. Each of us has been involved with the issue of copycat fashion since 1996. That year, a little-known designer dressed his friend Carolyn Bessette for her wedding to John F. Kennedy Jr. The dress was copied relentlessly before he could get the design to market. A newly minted professor started asking why original designs were unprotected. Since then, we've personally experienced and witnessed hundreds of instances of design piracy. We've



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



spent a lot of time with this legislation. Here's what it would do:

**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.

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.

**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.

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 design 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.

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