

ARE YOU **IN A** MAZE?

FASHION DOSSIER Vol. 2



KNOW YOUR RIGHTS TO PROTECT YOUR CREATION...

- IS YOUR INNOVATION PROTECTED?
- IS SOMEONE ELSE ENCASHING ON YOUR REPUTATION?
- ARE YOU READY TO FIGHT AGAINST PLAGIARISM?



Is that a fate of your creation?

*“I don't know why my creator
didn't give me a name...*

*Everywhere I go they ask me
what is your IP? ”*



**THE
CONCERNS**



“Recently, when I was doing some window shopping at an airport, I stumbled upon the exact replica of my design with just heightened colours. Instead of a dress, this was a kurta.

On sending a legal notice to them, they shamelessly sent back 10 pages stating that I forfeit my own design if I have used it for a certain period of time and have used it a certain number of times. (on Facebook).

After my legal notice they didn't have the [guts] to sell the style so all the pieces have been retracted from all the stores in A and B towns and also from their website.”

- Nida Mahmood

“I had bought identical copies of my clothes with their (the Delhi designer) label at a store in Dubai, we both retail from. I carried them back, but the Indian legal system doesn't give you recourse for much.”

- Tarun Tahiliani

“I think it's those who go to markets like Lajpat Nagar and ask for replicas. They need to be more aware that this is affecting the industry.”

- Nonita Kalra

“I have realised that legal action can help us. When I got to know that someone is selling an anarkali design created by me at half the price I was selling it at, I was really hurt! We spend more than a month creating these designs and garments. It is shocking to see that someone is creating 30 of those in a month and making money by copying our designs. I collected all the evidence, and even sent someone from my team to the store posing as a buyer to click pictures and record their conversation. I also had sketches of my original design. I took all this proof and filed a case and claimed damages. The person doing it later said that he was a trader who was getting these designs from a supplier. So this is a long chain of copycats.”

- Reynu Taandon

“It all started with one of my fellow designers copying my innovation,” she said. “One fine day, this very well-known designer sheepishly told me, 'I can't help [but copy] it [lycra leggings], my customers want it'. I wish I had patented it then.”

- Rina Dhaka

“All designers should have copyright on their creations and be ready to take legal action against plagiarists. I think all designers should do this, and be ready to take legal action against those found guilty.”

- Rohit Bal

“We all are fighting cases with our hands tied. These cases go on for years and it's a very tedious procedure. In Paris there is a strong and immediate penalty, we don't have something like that.”

- Ritu Kumar

“It's not even only about fashion, design in any form is unprotected in our country. So the problem is the legality. But we can't stop being creative. That's for sure. I am still fine with 'inspired collections' but copying something bit by bit is completely unacceptable.”

- Suneet Verma

“With such growth, there's bound to be imitations. Across the world, people try to imitate our logo, label and work.”

“With such growth, there's bound to be imitations. Across the world, people try to imitate our logo, label and work.”

- Manish Malhotra

FASHION FRAT NO STRANGER TO PLAGIARISM

- Designer Suneet Varma accused designer Aki Narula of stealing a dress from his Fall 2003 collection for the film *Bunty Aur Babli*
- In 2006, Ritu Kumar won a long-drawn-out copyright case against Nina Talukdar of Kolkata for using her sketches, drawings and templates
- Designer Vikram Phadnis was accused of copying Abdul Halder's designs for one of his shows in 2009



'ISMEIN SE JO AAP BOLOGE USKA COPY KAR KE DE DENGE'

— Anju Modi

FASHION — WOES —

“They should at least come to us conveying that they want to buy our design or collaborate with us, rather than stealing our bread and butter.

Brand name suffers the most because of plagiarism.”

— Nida Mahmood

WE ALL ARE FIGHTING CASES WITH OUR HANDS TIED. THESE CASES GO ON FOR YEARS AND IT'S A VERY TEDIOUS PROCEDURE. IN PARIS, THERE IS A STRONG AND IMMEDIATE PENALTY ON ANY KIND OF PLAGIARISM, WE DON'T HAVE SOMETHING LIKE THAT

— Ritu Kumar



We are seeing too much mediocrity and a total lack of originality: Valaya on FB post

Divya Kashik@timesgroup.com

Designer Al Valaya's Facebook post or "midnight musings", which was posted a couple of days ago (see below), in which he seems to be spoofing some unidentified member(s) of his own fraternity, has less to do with the talking point at the ongoing couture week, proclaiming what that post was about, the designer says that through that, he wanted to bring to everyone's notice a "very important issue that the fashion fraternity needs to address collectively". He says, "What I wrote is the feeling that I have been having for a while now about what's happening with the industry. Other than a handful of really creative designers, there's a whole lot of 'me toos' who are suddenly just merely looking around and getting inspired and doing alike (sic)..."



Most fashion institutes, barring a few, are scams – they don't have the faculty to train students, but those kids go there whose main purpose is to just 'do something'. Once they graduate, there's the pressure of doing something, and when that happens, what's their... inspiration? Let's look at what all the guys who're selling are doing

PLAGIARISM CHARGES NEVER GO OUT OF FASHION



■ Designer Suneet Varma had accused fellow designer Aki Narula of 'stealing' a dress from his Fall 2003 collection for the movie *Bunty Aur Babli*. Varma sued Narula for copying his blue poncho and multi-hued pants, which



Rani Mukerjee wore in the film, and demanded damages of ₹2 crore.

■ In 2008, Tarun Tahiliani accused Reynu Taandon of copying his design, saying that he found the copy of a design from



Aki Narula

his Fall/Winter 2006 collection in a Dubai store, and filed a case of plagiarism against her. Taandon later filed a defamation suit against Tahiliani, denying the plagiarism charge. The case was amicably resolved later.

■ A major rift was caused between designers Shantanu-Nikhil and Krishna Mehta after the latter's show in 2003, when Tupur Chatterjee reportedly modelled an outfit which was not Krishna's. It was owned by model Carol Gracias, and was designed by Shantanu and Nikhil.

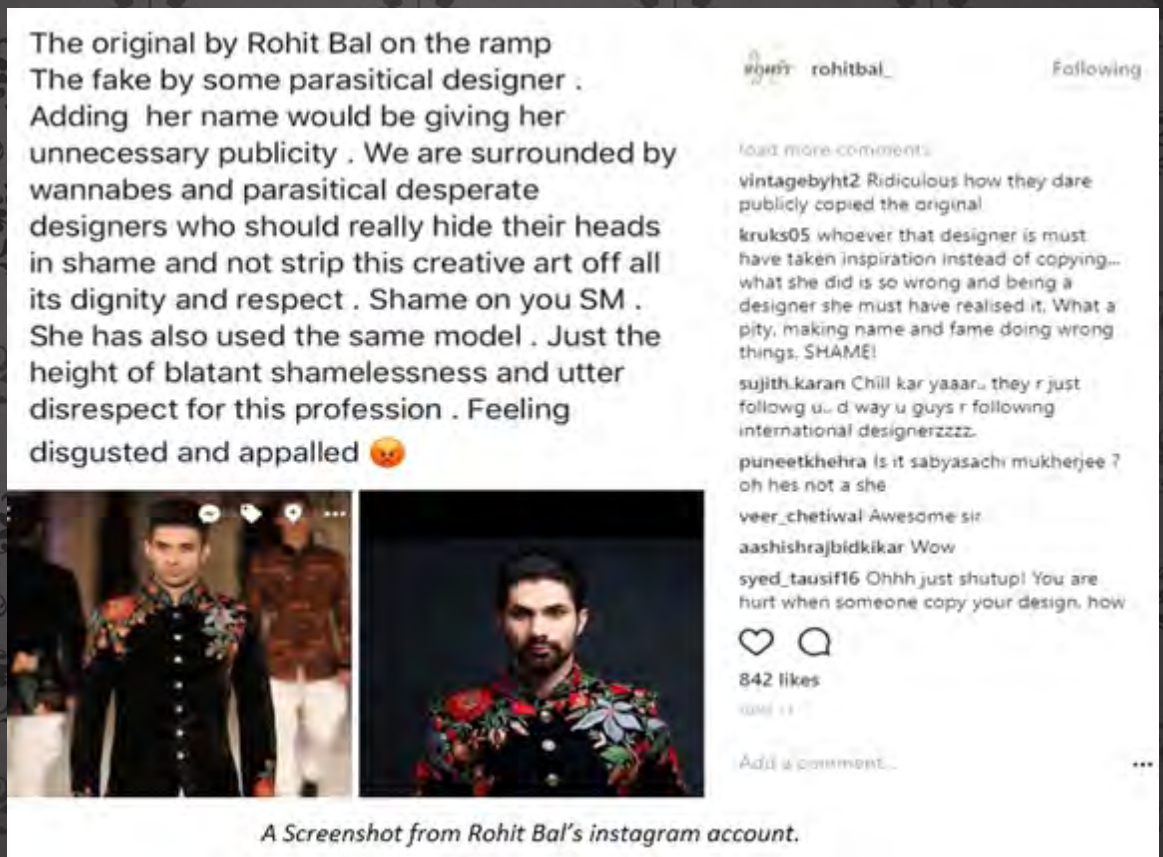


Fashion World Facing Adversity of Plagiarism...

Tarun Tahiliani

"I had bought identical copies of my clothes with their (the Delhi designer) label at a store in Dubai, we both retail from. I carried them back, but the Indian legal system doesn't give you recourse for much".

"Now we focus on making clothes very complicated and our USP is our construction, so most people can't copy them



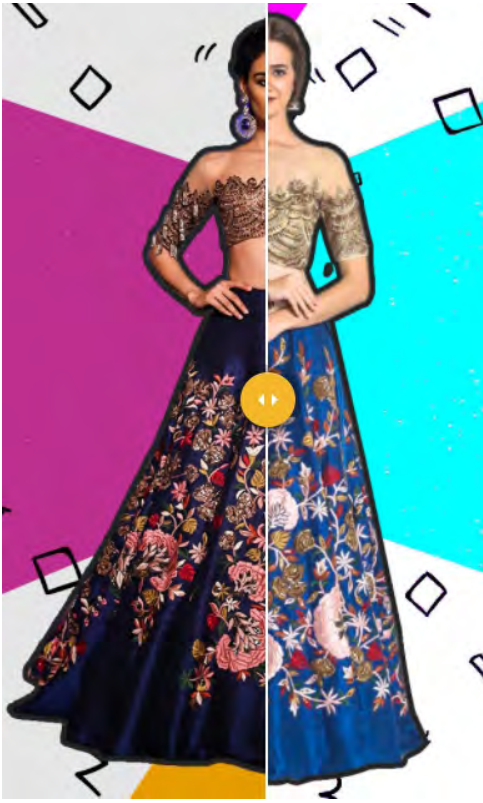
A Screenshot from Rohit Bal's instagram account.

Nida Mahmood

"Brand name suffers the most because of plagiarism"-

"Laws are very flimsy when it comes to design. Many imitated work could be seen in a wholesale market like Chandni Chowk."

Does this look similar to you?



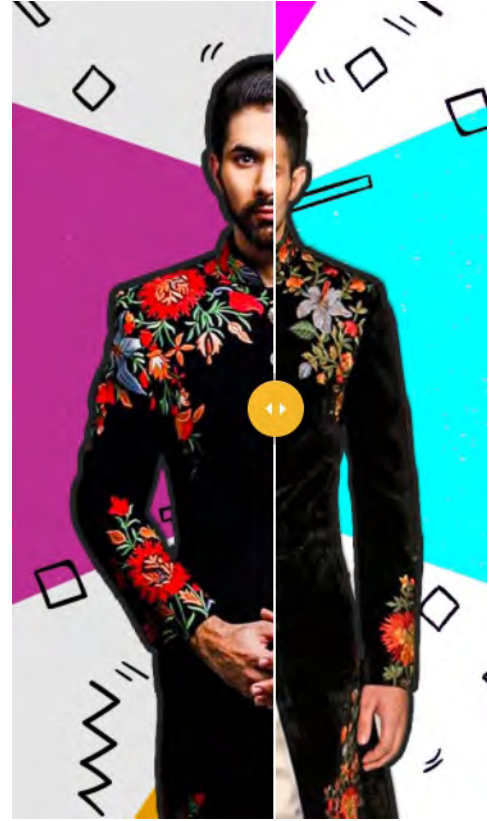
A piece from Manish Malhotra's collection, Persian Story and an eerily similar one on Kalki Fashion

And this?



A piece sold by a leading lifestyle store (L), allegedly plagiarised from designer Nida Mahmood's collection.

Calling Out Copycats



A piece from designer Seema Mehta's collection (L), allegedly plagiarised from Rohit Bal's collection

But What About the Smart Copier?



A Manish Malhotra ensemble worn by Aishwarya Rai (L) and an exceedingly similar one by Asiana Couture®

So How Does a Judge Decide What is Plagiarism, and What is Not?



A lehenga by Gujrati Fashions (L), that 'borrows heavily' from designer Anushree Reddy's creation (R)

The image features a vibrant rainbow background with vertical stripes of red, orange, yellow, green, blue, and purple. Two semi-transparent white rectangular boxes are overlaid on the background, one in the upper half and one in the lower half. Each box contains text in a bold, black, sans-serif font with a white outline.

SPREADING THE WORD...

IP IS THE SHOW STOPPER!



THE OXFORD BOOKSTORE

Talk on plagiarism in fashion

The Oxford Bookstore, New Delhi on 30th July organized a talk on “Plagiarism in Fashion” with esteemed panelists including Safir Anand, J.J. Valaya (celebrated Fashion Designer), and Nonita Kalra (Harper's Bazaar India Editor).

The panelists debated on several challenges that the designers face and what they can do to safeguard their creations by protecting their IP. The audience was a right mix of Journalists, bloggers and fashion enthusiasts that resulted in a highly interactive session.

The event was widely reported by the Media.



A discussion on fighting fashion fakes

Snigdha Ahuja, Hindustan Times, New Delhi | Updated: Aug 02, 2016 19:18 IST



The discussion included lawyer Safir R Anand, fashion editor Nonita Kalra and fashion designer JJ Valaya. (Prabhas Roy/HT)



We've all seen a fake lipstick print or mirrorwork designs do the rounds from Shanker Market to Sarojini – making it clear that counterfeiting and selling imitation goods is rampant when it comes to fashion in India. Discussing the need for awareness and action, a recent discussion involving fashion designer JJ Valaya, copyright lawyer Safir R Anand and fashion editor Nonita Kalra threw some light on Intellectual Property law in the country, challenges, application and more.

What exactly is counterfeiting and why is it a menace in India?

Counterfeiting is the replication of work where a product which is identical to that of another brand is created and put up for sale. Copyrighting a product can help the artist to protect his work. “Our country has struggled in protecting intellectual property when it comes to fashion, this is also because many new launches, products are not documented,” Anand explained. “The shopkeeper has to have a deterrence in his mind before selling a fake, which can only be created if he has the fear of action being taken against him,” he added.

[Read: Kangana and all the regal awesomeness from the last day of couture week](#)



Anju Modi and Anita Dongre patent their collections, lawyer says designers are finally becoming aware of copyright laws

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Due steps have been taken to protect our IP. Any violation of our IP will invoke due legal action and consequences. Every picture from the recently-concluded FDCI India Couture Week posted on designer Anju Modi's Instagram account is accompanied by these lines. After Rohit Bal, other designers like Anju Modi and Anita Dongre have also patented all their designs from the couture week – reflecting a trend which shows how more Indian designers are waking up to the copyright law and the need to safeguard their designs.

When we caught up with Anju Modi at the couture week, the designer told us that she had decided to take this step after a bitter experience last year; and that now, she will not put up anything on the ramp without patenting it first.

RETAIL OUTLETS IN CHANDNI CHOWK SHOW VIDEOS OF MY SHOWS TO LURE CUSTOMERS TO BUY FROM THEIR STORES: ANJU MODI

That rip-offs of designer wear are easily available in markets like Chandni Chowk is a well-known fact. And now, it seems, stores show videos of designers' latest ramp shows to the customers and lure them with a promise to sell similar designs. "Earlier, I would copyright selective designs. But what started happening was that the remaining ones were copied blatantly and some stores were even selling those copies with my label! Last year, I found out that there are stores in Chandni Chowk that show videos of my shows to customers, and tell them, 'Ismein se jo aap bolenge uska copy kar ke deenge.' I have a video on WhatsApp which is a proof of this fact. I know the stores that are doing this, but since I don't have a patent for all my designs, I can do nothing about it," says Anju. She adds, "I was really sad that despite knowing that someone out there is selling rip-offs of my creations in one-fourth price of the original, I was unable to do anything about it. So I got in touch with my lawyer and decided that, from now on each of my design will be patented." The process of getting a patent is quite simple and all that is required from the designer is the artwork, photograph of the design. "It hardly takes a day to get a design registered, the process is simple and if that process will help me take legal action against those who are selling my knock-offs, I will definitely do it," adds Anju.

Apart from this, Anju is also planning a social media campaign – the Instagram note is a part of this campaign – to create awareness among consumers and to discourage them from buying a rip-off, apart from warning those who are copying her designs.

DESIGNS SHOWCASED ON THE RAMP GET COPIED FASTER: ANITA DONGRE

Another designer who has now made it a policy to patent her each design in her collections before it is put on the ramp is Anita Dongre. The designer's office has a specific de-



anjumodi Taj Palace Hotel New D... Follow
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I love you @mickeycontractor you make magic! #Backstage #AnjuModi #BTS #ICW2017
@anjumodi @thefdcI Due steps have been taken to protect our IP. Any violation of our IP will invoke due legal action and consequences.

Anju Modi is also planning a social media campaign – the Instagram note is a part of this campaign – to create awareness among consumers and to discourage them from buying a rip-off

partment that takes care of registering and documenting every design for future reference. When we met the designer at the couture week, she told us, "As a company, we decided to patent our designs because today every store is selling copies of my design and this was long overdue. Whatever is showcased on the ramp always gets copied faster. Most designs are copied once they are put on the ramp. This is the first time that we have taken such a step. The copies of our clothes are being sold everywhere. I know exactly which retail chains and stores are selling my clothes, but there is no point talking about them until I take some legal action. So we have patented our collections to safeguard our designs. A lot of hard work goes into creating one single piece and I think it's high time that we protect each collection."

SABYASACHI, GAURAV GUPTA TOO APPROPRIATE LEGAL ACTIONS AGAINST PARTIES MISUSING THEIR NAMES OR IMAGES: LAWYER SAFIR ANAND
Among other designers who have sought legal action against copycats are Sabyasachi and Gaurav Gupta. "In a recent case Sabyasachi Coutures succeeded in taking action against three retailers where interim injunctions were granted immediately upon filing the lawsuit. While the in-



Rohit Bal recently patented all his designs that were to be showcased at the India Couture Week

junctions continue, the matters are sub judice before the court. There are other cases, including those involving designers such as Gaurav Gupta, where the designers have succeeded in taking appropriate legal actions against parties misusing their names or images or photographs or violating their designs or copyright, as the case may be. There are number of instances to designers such as Ritu Kumar. However, one of the concerns of the designers in the past has been the delay in the grant of relief on account of lengthy procedures," says lawyer Safir Anand, who is the head of Trademarks Contractual & Commercial IP, and is also an expert lawyer who FDCI has on board to help designers deal with copyright issues.

He says, recently, more designers are waking up to copyright laws. Safir adds, "It appears that the Indian designers are not familiar with the relevant Intellectual Property laws. Thus, most of the problems that the fashion fraternity faces is the result of lack of awareness. Secondly, many designers are under the illusion that design registration is an expensive and time-consuming process. So, many of them who are unsure of the commercial success of their show/product, shy away from patenting their designs, which has to be done before they are showcased. But the fact is that patenting is not a difficult process. Not only is it easy, but the process is also a quick one and gives substantial advantage to designers, both in terms of enforcement of rights (through infringement of designs) and even in evaluating the monetary value of the designs for raising capital or in claiming damages."



A model walks in Anita Dongre design at the recently-concluded India Couture Week

SOME STORES WERE EVEN SELLING THOSE COPIES WITH MY LABEL! LAST YEAR, I GOT TO KNOW THAT THERE ARE STORES IN CHANDNI CHOWK THAT SHOW VIDEOS OF MY SHOWS TO CUSTOMERS, AND TELL THEM, 'ISMEIN SE JO AAP BOLOGE USKA COPY KAR KE DE DENGE' – Anju Modi

WHATEVER IS SHOWCASED ON THE RAMP ALWAYS GETS COPIED FASTER... THIS IS THE FIRST TIME WE HAVE TAKEN SUCH A STEP. THE COPIES OF OUR CLOTHES ARE BEING SOLD EVERYWHERE, BUT NO POINT TALKING ABOUT THEM UNTIL I TAKE SOME LEGAL ACTION. SO WE HAVE PATENTED OUR COLLECTIONS TO SAFEGUARD OUR DESIGNS – Anita Dongre



Alesia Raut walked for Anju Modi at the recently-concluded couture week in Delhi



Safir Anand and Varun Bahl spotted during India Couture Week 2017 on

Aiming to curb the menace, the FDCI has included lawyer Safir Anand as a special invitee to the board of directors. "So, when such problems arise, we have the legal expertise to find a solution," said Sunil Sethi, FDCI president. The body also plans to organise seminars to create awareness among designers regarding copyright laws in the country.

Zoom Delhi
Action time for BollyGoods Edition 3



Safir Anand and Abhijeet Khanna

BOLLYGOODS
FASHION · ART · LIFESTYLE
edition 3
JULY 21-22, 2017
PAVILION, DLF EMPORIUM
NEW DELHI, INDIA

Bollygoods brings the buzz with the "meet and greet the designers" event, with over 40 designers and film professionals attending the precursor to the 3rd Edition of BollyGoods where Anand and Anand is the Legal Partner.

The firm is participating for the second year running with the event with Safir Anand being an Honorary member.



Safir Anand said that to improve the scenario, it is imperative that the design community engages in understanding the scope of rights, scope of protection, advantages of protection and the advantages of enforcement.

"The problem is common on account of lack of awareness amongst the creative community, no protection sought by the creative community and tolerance of the creative community under the impression that imitation is flattery," he added.

He further said that it is important that designers understand the difference between the different kinds of Intellectual Property, preferably through Intellectual Property Counsel or Advisor or through a training and enforce rights in accordance with the nature of plagiarism.



Safir Anand, copyright expert, while shedding light on the issue said, "To improve the scenario, it is imperative that the design community engages to understand the scope of rights, the scope of protection, the advantages of protection and the advantages of enforcement."

He further said that the situation will improve when courts fast track such matters (already under consideration) and encourage to grant exemplary and punitive damages. "Things will also get better if there is a specific legislation that tackles the interest of the fashion industry and does away with the requirement to protect the work before any commercial launch," he added.

Lack of regulations against plagiarism in the fashion industry has encouraged the imitators to steal other's work and draw profit for the same. There is a dire need to stop piracy in order to safeguard the authenticity of the work done by a designer or a textile professional.

ALMOST FRENCH

THE AUTUMN/WINTER 2018 HAUTE COUTURE SHOWS IN PARIS WERE DOMINATED BY FLORALS, GLAMOUR AND CELEBRITIES

luxury

NEW DELHI | THURSDAY | 7-13 SEPTEMBER | 2017

15

CATCH-22

COMING FROM A REPUTED FAMILY OF LAWYERS FOR OVER 100 YEARS, THE MAVERICK SAFIR ANAND, TELLS US HOW COPYRIGHT INFRINGEMENT AND PLAGIARISM IS A SOCIO-ECONOMIC ISSUE, HINDERING THE PROGRESS OF THE ENTIRE FASHION INDUSTRY

Drishiti Vij

IF FASHION mirrors the times we're living in then India Couture Week, 2017 inhabited a universe where stardom surpasses skill and tradition veils commodification. However, some realities, like that of copyright and design infringement, even the most popular designers could not steer clear of. Rohit Bal, for instance, protected his designs. So did Anju Modi as some images of her couture collection came with



DESIGNERS NEED TO MAKE CONTRACTS WITH THEIR TEAM. IT'S IMPORTANT TO REGULATE THE ECO-SYSTEM OF PRODUCTION
Safir Anand, Lawyer

a disclaimer, "Due steps have been taken to protect our IP. Any violation of our IP will invoke due legal action and consequences."

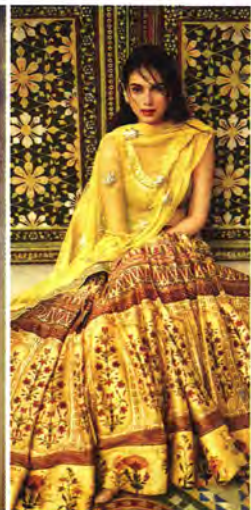
This is where lawyer Safir Anand steps in. Safir is the Senior Partner and Head Trademarks at Anand and Anand, an Intellectual Property law firm started in 1923. An Economics (Hons) graduate from SRCC, Safir started visiting courts quite early, while pursuing law at Delhi University. Over the course of 22 years, he felt the need to be a strategist and transactional specialist and has represented some of the biggest luxury houses like Louis Vuitton, Dior, Cartier and Chanel in India. He is now a consulting board member for the Fashion Design Council of India (FDCI) and believes that the issue of IPR, in fashion, is bigger than what it seems at the surface.

According to him, plagiarised designs can even potentially impact the evaluation of a company, which can disparage its chances of getting an investment in the future. He elaborates, "If you take the example of international brands, Louis Vuitton has patented not just their monogram, but also their epi pattern. Christian Louboutin has legally protected its red sole. Companies like Disney have trademarked characters like Mickey Mouse; they haven't even left their font. In India, Ritu Kumar had the first mover's advantage. Part of the reason why she got an investment of 100 crores from private equity investment firm, Everstone Capital in 2014, is because she had legally patented

her designs, enforced rights and was IP savvy. The case of Anita Dongre is also based on a similar premise wherein her company, AND Designs, received an investment from General Atlantic."

So, why is it that Indian designers were slow in seeking legal help as compared to their Western counterparts? "The reason could be twofold," explains Safir, "First: Some designers believe that imitation is the best form of flattery. So, they didn't want to bring it to the court's notice. Customers, in this case, are anxious of paying an exorbitant price for such a product, the copies of which are sold at cheaper prices. Plus, times have changed. Earlier, designers didn't realise the importance of this, because making money was easy. The economy was open and there were fewer designers. With increasing competition, markets are getting squeezed. Now they can only differentiate themselves based on IP"

However, piracy, despite IPR, hasn't seized from existing. Countries like China, a lucrative target market for luxury houses, has several black markets that sell everything, from luxury handbags to clothing. Safir agrees, "There's no way to stop piracy completely. Of course, it's lucrative for those who're selling copies, not the brand owners. It also depends on how a certain government is conducive to these laws. Apple, for example, sued a store in China, that was selling identical products in an identical store format and they won. Many brands, however, don't want to



SAFEGUARDING: Anita Dongre has legally protected her designs

undertake actions very aggressively. It's a choice."

Safir also believes that a systematic change needs to be initiated in the nature of work that goes behind a designer garment in India. "Designers need to make contracts with their creative team. It's important to regulate the eco-system in which you're producing your garments. Unregulated designs might give you short-term gratification in terms of profits, eventually damaging the company suffers in terms of its evaluation. It's a mind-set, where the debate is similar to that of income v/s wealth."

He further sheds light on how sometimes intra-industry plagiarism does not even happen through intent. "Let's assume one Indian designer has a fight with another. In some cases, it has to do with intent, which is bad. But, in other cases, it has to do with a situation wherein a *karigar* left and joined another firm. And, you did not have any agreement in place. They may be making 80 *khakas* for you and you may have selected only 20 for

your show. The *karigar* doesn't know about others and later you change your mind. He, then, takes the same *khakas* to a different designer. Sometimes, designers feel that their designs are already being copied, so they don't want to command rights to it now, as it will cost them money."

Nevertheless, legal literacy in India is slowly increasing. Safir says, "The IP history in India had no culture of granting damages in counterfeiting. Certain illegal activities have also changed the mind-set of the judiciary and a damage based enforcement has set in. When these illegal activities take place, the government loses out on tax and some of the highest duties are levied on luxury products. This, in turn, also causes a loss in employment opportunities. It's a socio-economic problem, not just financial. Pharmaceuticals and automobile industries have faced similar problems. However, the question is then of jeopardising your safety. If you look at YouTube ads for CEAT, for example, they no longer advertise about just their tires; they sell their product as a means for safety."

A classic example of an on-going legal battle is between Gucci and Forever 21. The fast fashion label has allegedly copied Gucci's trademark — 'blue-red-blue' and green-red-green' stripes. The American conglomerate is now defending itself from a lawsuit filed by the Italian luxury house. In India, however, the story is different as design actualisation is distributed in a multi-layered hierarchy. Craft clusters, in this case, are mere lambs in an industry ruled by cashmere-covered wolves. But, the government is now taking steps to legally protect even those, who do not have sufficient means to do it themselves. Safir concludes by disclosing, "There's this very interesting thing in IPR called 'Geographical Indication', which declares that handlooms and crafts that come from only certain geographical areas and have geographical traits are protected. For example: the pashmina shawl is inspected with a GI. And, this controversy is also going on with khadi. Khadi was created under an act which monitors its use and now people using it have to first seek permission and those just making concoctions are not allowed to sell it as khadi."



ANTI-PIRACY: French luxury house, Louis Vuitton, has copyrighted not just its monogram but also its Epi pattern

PHOTOS: LOUIS VUITTON & ANITA DONGRE

EVENT: ♦ LULU AND SKY GOES OFFLINE WITH THEIR FIRST STORE AT SELECT CITYWALK, SAKET

TO HELP MEMBERS SOLVE COPYRIGHT ISSUES, WE HAVE INVITED LAWYER SAFIR ANAND AS A SPECIAL INVITEE TO THE BOARD OF DIRECTORS. BECAUSE WHEN SUCH PROBLEMS ARISE, WE DO NOT HAVE THE LEGAL EXPERTISE TO FIND A SOLUTION. A SPECIALIST WILL HELP MEMBERS WITH LEGAL ACTION REQUIRED IN SUCH CASES

– Sunil Sethi, FDCI president



Designers get IPR savvy

Indian designers are increasingly getting aggressive about patents and copyright

Jyoti Prabhakar

What was an IPR lawyer doing at the *Wills Lifestyle India Fashion Week*? A quick chat followed, and what Safir Anand said came as a revelation: He is, in some capacity or the other, involved with many Indian designers as the legal advisor, who, he says, "are now waking up quickly to the need to protect their work." The current market scenario demands that, he says, "it is now that they are siding the



IF TODAY ONE OF OUR DESIGNERS WANTS TO SELL THEIR BUSINESS, THEY WILL GET ZERO VALUE, BECAUSE NOTHING IS PROTECTED !!

THINGS ESTABLISHED DESIGNERS NEED TO DO TO PROTECT THEIR CREATIVITY

- Register the brand
- Get internet protection - your domain name, Twitter handle, etc needs to be yours, because Internet also drives sales these days
- Protect originality - the designer who works for one designer by day works for someone else at night. He has access to your works
- Protect your trade internally. If tomorrow your employee leaves, asking he doesn't take your designs, merchandise details and clients with him/her
- Get the licensing in place if tomorrow you open more outlets or let others do them, protect what is yours
- Work on registering/patenting product extensions
- Co-branding deals and agreements; contracts need to be watertight
- Protect brand across categories - so, if you make bags, shoes, foot wear, everything remains yours
- Get international protection. As of now our designers have no overseas protection for their



The need for designers to be more conscious about patents and copyrights was highlighted by **Safir Anand** in this DT article dated Oct 2012

Keeping in mind these complaints, the FDCI has now invited a lawyer specializing in IPR as a special invitee to its board of directors. "We realise that strict action needs to be taken against plagiarism, and to help members solve copyright issues, we have invited lawyer **Safir Anand** as a special invitee to the board of directors. Because when such problems arise, we do not have the legal expertise to find a solution. Having a specialist on board will help the members with legal action required in such cases," says Sunil Sethi, FDCI president.

Renowned designers are joining hands and raising voice against the plague that is affecting fashion industry since ages. BW Businessworld takes a glance at the growing weed in the world of fashion and style.



nidamahoodnm Following

IT IS REALLY APPALLING TO SEE THE LEVEL OF HONESTY AND INTEGRITY THIS COUNTRY NUTURES AND THE GROSS DISRESPECT FOR CREATIVE PEOPLE AS A WHOLE. ONE OF THE LARGEST GARMENT AND LIFESTYLE RETAIL CHAINS IN INDIA HAS HAD THE AUDACITY OF BLATANTLY RIPPING OFF ONE OF MY DESIGNS FROM THE JUNGLEE BILLEE COLLECTION. NO CHANGES MADE TO THE DESIGN. NOT EVEN AN INSPIRED PIECE. NO, THIS IS THE EXACT REPLICA OF MY DESIGN WITH JUST HIGHTENED COLORS. INSTEAD OF A DRESS THIS IS A KURTA.

ON CALLING THE (PAN INDIA) LEGAL HEAD TO POINT THIS OUT I WAS SPOKEN TO IN THE RUDEST MANNER. ON SENDING A LEGAL NOTICE TO THEM,

24 likes

ENTERTAINMENT
Kylie sad about missing out on high school prom
Page 7

DelhiTimes

THURSDAY, AUGUST 3, 2017 | ADVERTORIAL, ENTERTAINMENT INDUSTRY PROMOTIONAL FEATURE OF INDIA

Anju Modi and Anita Dongre patent their collections, lawyer says designers are finally becoming aware of copyright

DIVA KAUSHIK@DMGROUP.COM

Designers have been taken to protect our IP. Any violation of our IP will invoke due legal action and consequences. Every picture from the recently concluded FDCI India Couture Week posted on designer Anju Modi's Instagram account is accompanied by these lines. After Rohit Bal, other designers like Anju Modi and Anita Dongre have also patented all their designs from the couture week - reflecting a trend which shows how more Indian designers are waking up to the copyright law and the need to safeguard their designs.

When we caught up with Anju Modi at the couture week, the designer told us that she had decided to take this step after a bitter experience last year, and that now, she will not put up anything on the ramp without patenting it first.

RETAIL OUTLETS IN CHANDNI CHOWK SHOW VIDEOS OF HER SHOWS TO LURE CUSTOMERS TO BUY FROM THEIR STORES: ANJU MODI

That rip-offs of designer wear are easily available in markets like Chandni Chowk is a well-known fact. And now, it seems, stores show videos of designers' latest ramp shows to the customers and lure them with a promise to sell similar designs. "Earlier, I would copyright selective designs. But what started happening was that the remaining ones were copied blatantly and some stores were even selling these copies with my label just you. I found out that there are stores in Chandni Chowk that show videos of my shows to customers, and tell them, 'Jasmin se jo dupatta uska copy kar ke de denge.' I have a video on WhatsApp which is a proof of this fact. I know the stores that are doing this, but since I don't have a patent for all my designs, I can do nothing about it," says Anju. She adds, "It was really sad that despite knowing that someone out there is selling rip-offs of my creations in one-fourth price of the original, I was unable to do anything about it. So I got in touch with my lawyer and decided that from now on each of my design will be patented." The process of getting a patent is quite simple and all that is required from the designer is the artwork, photograph of the design. "It hardly takes a day to get a design registered, the process is simple and if that process will help me take legal actions against those who are selling my knock-offs, I will definitely do it," adds Anju.

Apart from this, Anju is also planning a social media campaign - the Instagram note is a part of this campaign - to create awareness among consumers and discourage them from buying a rip-off, apart from warning those who are copying her designs.

DESIGNS SHOWCASED ON THE RAMP GET COPIED FASTER: ANITA DONGRE

Another designer who has now made it a policy to patent her each design in her collections before it get on the ramp is Anita Dongre. The designer's office has a specific de-

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I love you @mickeycontractor ❤️ you make magic #Backstage #AnjuModi #BIS #ICW2017
@anjumodi @theifdu Due steps have been taken to protect our IP. Any violation of our IP will invoke due legal action and consequences.

A model walks in Anita Dongre design at the recently concluded India Couture Week

Anju Modi is also planning a social media campaign - the Instagram note is a part of this campaign - to create awareness among consumers and to discourage them from buying a rip-off

Every design is patented. Anyone who copies anything faces legal action!

Rohit Bal recently patented all his designs that were to be showcased at the India Couture Week



ALL DESIGNERS SHOULD HAVE COPYRIGHT ON THEIR CREATIONS AND BE READY TO TAKE LEGAL ACTION AGAINST PLAGIARISTS

- Rohit Bal

Sandeep Khosla talks IIFA, plagiarism and more



Aleka Raat walked for Anju Modi at the recently-concluded couture week in Delhi

“ The process – and the cost – of copyrighting every design, season after season, is tedious no doubt, but key designs must be protected.

Raghavendra Rathore, designer

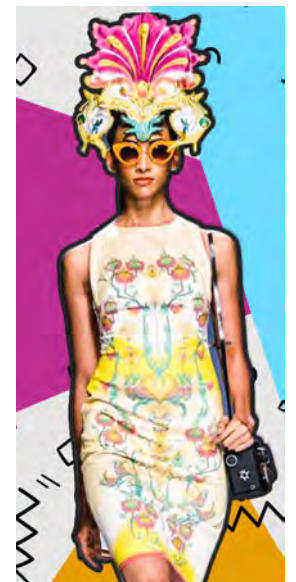
“ The injunction law is one of the most effective pieces of law that we have. So if you get that first order, you can get the defendant to the negotiating table in six months.

Eashan Ghosh



“ Court fees run into lakhs. And so, it doesn't make financial sense for them to go for the small guys. But it makes sense where the volumes are big.

Eashan Ghosh



“If all of these designers got together with a zero tolerance stance towards plagiarism, suing every single case of infringement that they come across, then that would be too much risk for the infringer”, says Ghosh. “Right now designers have a very inconsistent view on this. Some designers will want to sue, some won't. They sue one infringer and don't sue the other. Which can be used as a defense by the defendant.”

WHATEVER IS SHOWCASED ON THE RAMP ALWAYS GETS COPIED FASTER... THIS IS THE FIRST TIME WE HAVE TAKEN SUCH A STEP. THE COPIES OF OUR CLOTHES ARE BEING SOLD EVERYWHERE, BUT NO POINT TALKING ABOUT THEM UNTIL I TAKE SOME LEGAL ACTION. SO WE HAVE PATENTED OUR COLLECTIONS TO SAFEGUARD OUR DESIGNS



– Anita Dongre

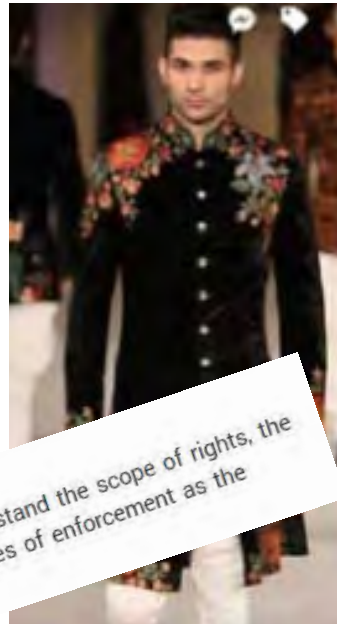
Is legally protecting original fashion designs best way to combat plagiarism?

The process and the cost of copywriting every design, season after season, is tedious no doubt, but key designs must be protected. Plagiarism in India is different from that in the West, as the motives are different in the West, fake products with logos of established brands are imitated.



“ We have realised that strict action needs to be taken against plagiarism, and to help members solve copyright issues, we have invited lawyer Safir Anand as a special invitee to the board of directors. We are working on ways to assess the matter and come up with a solution. But it's a larger issue which requires a lot of technical as well as legal understanding.”

- Sunil Sethi



Reynu Taandon (above) recently took a boutique house in Shahpur Jat to court for copying her designs. Taandon's original creation (L); The copied outfit at the boutique (below)



Shruti Shende | It's true. Therefore it is very important for designers as well to understand the scope of rights, the scope of protection, the advantages of protection and the advantages of enforcement as the copyright expert, Safir Anand has mentioned.

Renowned designers are joining hands and raising voice against the plague that is affecting fashion industry since ages. BW Businessworld takes a glance at the growing weed in the world of fashion and style.

Rohit Bai 20 hrs · 2 new photos — with 1361 Male and 5 others.
 The original by Rohit Bai on the ramp
 The fake by some parasitical designer . Adding her name would be giving her unnecessary publicity . We are surrounded by wannabes and parasitical desperate designers who should really hide their heads in shame and not strip this creative art off all its dignity and respect . Shame on you SM . She has also used the same model . Just the height of blatant shamelessness and utter disrespect for this profession . Feeling disgusted and appalled ??



Safir Anand

Senior Partner and Head of Department
(Trademarks, Contractual and Commercial IP)

"It's beautiful to see how the Fashion fraternity has united to demonstrate zero tolerance towards copycats and has now been taking much required steps to protect their creations from being plagiarized. In the past, designers had a lot of doubts regarding what to do and what not to in order to protect their work legally, however, with so many developments taking place led by instances that superseded the threshold of their patience... it seems that the present and the future beholds a demystified vision about what are their rights and what's the right path to be followed. I am thrilled and totally enthused to be a part of this revolutionary beginning that will nurture the entire fashion fraternity. I wish all the luck and support to fight against plagiarism in the fashion world."

Are you ready to get out of the maze?

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ANAND & ANAND

