

FASHION LAW

Responsible Faculty Instructor:
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Assistant Professor

Credits: 4

Credits Type:

Cross-registration: No

Pre-requisites: Contract Law I and II, Property Law, Intellectual Property Law

COURSE DESCRIPTION (COURSE VISION):

Over the past few decades fashion has gained enormous popularity, and it has changed the outlet and consumer culture of the people at the global level. Ranging from textile, footwear, jewellery, cosmetics, advertising, food, travel, tourism, hospitality, education - there is no area which does not have reflection of fashion upon it. As such, 'fashion law' has evolved as a vibrant field of inquiry. The legal and policy issues influencing the fashion sector are investigated with increasing intensity, hence a growing number of practicing lawyers and in-house counsels regard themselves as practicing fashion law. But what is fashion law? And what are the specific legal challenges facing the fashion sector? Are there ways forward? To develop a career as a fashion lawyer, one needs to have a thorough understanding of the fashion industry's legal issues, compliances, and brainstorm the potential solutions, which the course aims to engage with.

The fashion industry has a lot of legal complications especially when it comes to transnational, multinational and e-commerce transactions which the common people as well as the people in industry are mostly unaware of, due to its nascent terminology. The complex field, also an emerging area of practice, is unique. Fashion lawyers perform a broad range of duties ranging from forming and dissolving business entities, advising on brand development, IP monetization, franchising, merchandising, advertising, protection of stakeholders' (fashion designers, models, photographers, consumers) rights, drafting and negotiating contracts and licenses, dispute resolution and litigation. It combines many areas of law; however, the course is mapped into limited thematic areas.

Firstly, it considers and examines the **legal avenues in the fashion industry**, through a structured and doctrinally grounded approach. It introduces students to the key legal frameworks governing fashion markets. Secondly, it maps the **IP realms of fashion** by reviewing the application of design rights, copyright, trademarks, geographical indications, and trade secrets. The next segment analyses specific issues arising in the fashion sector by examining the application of principles and rules found in **regulatory frameworks**, including those governing employment, advertising, consumer, and environment laws. Particular attention will be paid to **contemporary debates** surrounding cultural appropriation and the protection of traditional craft knowledge, sustainability and circular fashion, and the role of emerging technologies in the fashion sector.

At its heart, this course aims to interrogate whether law structurally fails fashion, that is, to critically evaluate the legal regulation of the fashion industry as an integrated system of governance, rather than a fragmented collection of doctrines. The course is designed to move from doctrinal clarity to regulatory critique, enabling students not only to apply law to fashion, but to interrogate how law itself constructs and limits the fashion industry.

TEACHING METHODOLOGY:

The course will be delivered through a doctrinal, analytical, and discussion-oriented pedagogy tailored to introduce students to the legal structures shaping the global fashion industry. While fashion is often perceived primarily as a creative/commercial entity, the course foregrounds the complex network of numerous legal rules that govern how fashion is designed, produced, marketed, and consumed. Instruction will therefore begin by establishing a conceptual foundation in the legal regulation of fashion—particularly through realms of intellectual property law, including cultural heritage protection, and aspects of consumer law, sustainability regulation, and labour/employment standards—before gradually shifting towards an applied investigation of contemporary legal disputes and regulatory challenges faced within the fashion ecosystem.

Teaching will rely primarily on interactive lectures complemented by the Socratic method, encouraging students to critically engage with statutory provisions, judicial precedents, and regulatory practices that have been shaping the governance of the fashion world. The course adopts a comparative and transnational perspective, drawing on select developments across jurisdictions to situate the regulation of fashion within a broader global context. Classroom discussions will frequently draw upon disputes (global and/or domestic) fashion brands, designers, artisans, and cultural communities enabling students to explore questions pertaining to originality, imitation, cultural borrowing, brand identity, and the commercialization of creativity. Judicial decisions will be analysed not only for their ratio decidendi but also for the broader economic, cultural, and ethical considerations reflected in judicial reasoning. The course also aims to engage students with relevant experts from the fashion and law industry through guest seminar(s), ‘Meet the Professionals’, on pressing/emerging themes, in order to provide students platform to acquire practical know-hows of the industry and map their (potential) paths into (practically) exploring the subject of Fashion Law.

Students will be expected to complete prescribed readings prior to each class, which will provide the foundation for structured classroom discussions aimed at developing students’ ability to critically evaluate the adequacy of existing legal frameworks vis-à-vis the emerging challenges within the fashion industry. As part of the course requirements, students will deliver a class presentation on assigned topic/theme addressing a contemporary legal issue(s) within the fashion industry. The presentation will function as a preliminary exploration of the selected theme and will allow students to synthesize relevant legal materials while engaging with peer perspectives and faculty feedback. In furtherance to this exercise, each student will subsequently develop the topic into a research paper that demonstrates independent analysis, critical engagement with legal doctrine and scholarship, and thoughtful reflection on the regulatory challenges confronting the fashion industry today. The progression of modules is designed to support the development of the final research paper, with early modules building doctrinal foundations and later modules enabling critical and applied analysis. The research paper will constitute the final assessment component of the course, enabling students to produce a sustained piece of academic work that bridges legal theory with the realities of the fashion ecosystem.

INTENDED LEARNING OUTCOMES:

The primary objective of the course is to provide students with a systematic understanding of how law regulates the fashion industry as an integrated legal ecosystem. Upon completion of the course, students should be able to:

- Demonstrate knowledge of the legal frameworks applicable to fashion-related activities
- Apply legal doctrines to disputes involving branding, copying, contracts, and market practices

- Identify and analyse overlaps between different areas of law affecting fashion industry
- Critically evaluate the adequacy of existing legal regimes in addressing current industry-specific challenges
- Engage with contemporary regulatory issues, including sustainability and cultural appropriation
- Develop the ability to critically compare legal approaches across jurisdictions in the regulation of fashion

READING LIST (UPTO 10 SELECT READINGS):

1. Fashion, Post-postmodernism and Intellectual Property, David Tan (2026), Cambridge University Press
 2. Fashion and Intellectual Property, Non-Traditional Trademarks, Distinctiveness and the Fashion Industry, Susanna H.S. Leong and Irene Calboli (2025), Chapter 5
 3. Intellectual Property and Traditional Cultural Expressions in a Digital Environment, It’s a Small World (After All): Some Reflections on Intellectual Property and Traditional Cultural Expressions, Wend B. Wendland (2008), Chapter 7
 4. Research Handbook on Intellectual Property and Geographical Indications, Dev Gangjee (2016), Chapter 15 and 18
 5. Fashion & IP, Fashion Upcycling and Trademark Infringement A Circular Economy/Freedom of the Arts Approach, Martin Senffleben (2025), Chapter 8
 6. IP is back in fashion or, rather, fashion is back in IP!, Journal of Intellectual Property Law & Practice, Vol. 20, Eleonora Rosati (2025)
 7. Christian Louboutin v. Yves Saint Laurent Judgment Clarifying the Role of Colour in Trademark Protection
 8. The Sweet Smell of Protection: The Scope of Intellectual Property Rights in Perfume, S. Margaret Duangpanya, Lumen (June 2018)
 9. The New Frontiers of Fashion Law , The Ethical Consumer and Codes of Ethics in the Fashion Industry, Rossella Esther Cerchia and Katherine Piccolo (2019)
 10. Fack Ju Göhte Judgment: Interpretation of Morality Exclusions in EU Trademark Law
- (This is preliminary list of readings)

WEEKLY READING PLAN/OUTLINE:

A weekly plan is provided below:

MODULES	WEEK(S)
<p align="center">MODULE 1: LAWS OF FASHION – THE FIELD & TENSIONS</p> <ul style="list-style-type: none"> • Mapping Fashion & Law • Is Fashion Law ‘Fragmented’? • Is Intellectual Property Sufficiently Protecting Fashion Business? • Regulating the Fashion Business: Beyond Intellectual Property Laws • Key Structural Tensions in Fashion Law: Overview 	1-3

<p>MODULE 2: WHO OWNS FASHION? HOW IP WORKS IN FASHION?</p> <ul style="list-style-type: none"> ➤ Part A: OWNERSHIP, IMITATION & IDENTITY {WEEK 4-6} <ul style="list-style-type: none"> • Copyright & Fashion: The Problem of ‘Useful Articles’ • Design Law: The “Middle Ground” • Trademark Law: The Real Power in Fashion? • Other Identity Markers: Trade Dress & Geographical Indication • Copying Paradox Through Critical Lens ➤ Part B: WHEN OWNERSHIP & IDENTITY FAILS {WEEK 6-8} <ul style="list-style-type: none"> • The Limits of Intellectual Property: Where IP Fails Fashion? • Appropriation and Legal Silence: Non-IP Problem? • Rethinking the Frameworks 	<p>4-8</p>
<p>MODULE 3: FASHION, EXPRESSION & REGULATION: LAW AS GATEKEEPER OF MEANING</p> <ul style="list-style-type: none"> • Expression versus Restriction • Morality and Public Ordre in the concerned Legal Frameworks • Offensive/Controversial Fashion Marks • Cultural Identity & Misrecognition 	<p>9-10</p>
<p>MODULE 4: REGULATORY SHORTCOMINGS IN THE FASHION INDUSTRY</p> <ul style="list-style-type: none"> • Fashion Supply Chain & Assigning Responsibility Conundrum • Ethical Fashion – An Illusion? • Perception Management/Control in Markets – Are Fashion Choices Shaped? 	<p>11-13</p>
<p>MODULE 5: FASHION LAW AS A SYSTEM</p> <ul style="list-style-type: none"> • Legal System versus Patchwork: A Doctrinal Review • Activity – Targeted Reform(s) Based on Regulatory Shortcoming(s) 	<p>13-14</p>
<p style="text-align: center;">REVISION WEEK</p>	<p style="text-align: center;">Week 14</p>