

Designers Get Fierce With Copyright On The Catwalk

by KAOMI GOETZ



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Diane Bondareff/AP Photo

Maria Cornejo's spring 2010 collection debuted at New York's Fashion Week on Sept. 14, 2009.

not much compared with the 25 years of protection European laws provide, but it's a start.

'We Have No Recourse Right Now'

"When things get copied, it's like somebody coming into my head and robbing, stealing," says Chilean-born and U.K.-raised designer Maria Cornejo.

Cornejo is a respected fashion visionary. She's made her mark with edgy, smart silhouettes that even first lady Michelle Obama has become a fan of. But all that makes her a target.

Take A Look Inside Fashion Week:



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The new fashion season is under way and ready to make its mark on both the high-fashion world and that of cheap

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As New York Fashion Week draws to a close, here are a few things the industry has been seeing a lot of: tiny models, hordes of cameras and the latest spring fashions being copied pretty much as soon as they hit the runway. But that last point is something designers are trying to put a stop to.

The Innovative Design Protection and Piracy Prevention Act, introduced in August by New York Sen. Charles Schumer and now pending in Congress, would be the first piece of legislation to provide copyright protection — for three years in this case — to new and inventive designs. It's

As a designer, Cornejo can easily fall victim to the cheap knockoff, copies made in low-wage countries and then sold in American discount stores. She says even big-name designers will buy clothes off the rack at stores run by lesser-known competitors with the express purpose of copying.

"We have no recourse right now," she says.

That's because the U.S. is one of a few countries that don't have copyright protection for fashion, which American courts have long viewed as utilitarian — a craft rather than an art — and therefore haven't protected in the same way as other creative fields like film or music.

knockoffs. Here, a model shows off a creation by fashion house Y-3 during Mercedes-Benz Fashion Week in New York on Sunday. (Emmanuel Dunand/AFP/Getty Images)

Steven Kolb, executive director of the Council of Fashion Designers of America, says it's time for that to change.

"Designers invest a lot of time, a lot of resources, a lot of energy into creating their collections," Kolb says. "It can take them nine months and billions of dollars. So when they present those collections and somebody can just steal them right off the runway, within seconds, and profit from their work, their energy, their intellectual property — it's not fair."

Take, for example, Diane von Furstenberg's wrap dress, which became so iconic after she introduced it in 1973 that it is now a part of the Metropolitan Museum of Art's collection. As a fashion staple, the dress has been reproduced over and over again with little credit given to its creator. Today, von Furstenberg is one of the most vocal fashion figures when it comes to copyright protection.



Courtesy of Diane von Furstenberg Studio
Diane von Furstenberg's wrap dress became a fashion standard after she introduced it, but the designer has no say over who can and can't profit from her creation.

A New And Inventive Solution?

Intellectual property attorney Alan Behr says the new bill isn't exactly a cure-all solution. He says it will be tough to prove the new and inventive stipulation the bill carries and that considering both the European experience and Americans' litigious reaction to new laws, "this may just ultimately benefit the lawyers."

On top of that, he says the law may also have the unintended consequence of discouraging new designers from entering the business for fear of getting sued.

But that's one point designer Cornejo doesn't agree on. She says emerging designers could benefit from the law's protection because it's easier for them to stay in business if their designs aren't being copied.

Meanwhile, at [Cornejo's shop](#) in SoHo, the model fittings are in full swing. Cornejo cinches a belt on a dress with gathered pleating, instantly turning it into an architectural sculpture.

She can control the design, the fit, the hair and the makeup — but once her design appears on the runway, there's little she can do to keep it from being copied.

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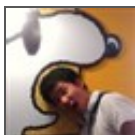
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Peter Wang (Rationalize) wrote:

Humm.. whats the next frontier of intellectual properties?

How about i go patent my new way of doing business, so no one else can follow in my footsteps, allowing me a virtual monopoly on that new sector of the market?

Oh wait..... thats already been done.

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