Looks are deceiving for a reason

'The look for less' is the copycat credo. But to one carpet company on a crusade, it's plain poaching.

By Jessica Garrison, Times Staff Writer
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THE case underscores an issue growing ever-more prevalent in the home furnishings world: The Rug Co., a London-based purveyor of couture carpets designed by the likes of Vivienne Westwood, Paul Smith and Diane von Furstenberg, has filed a lawsuit accusing New York retailer ABC Carpet & Home of selling budget knockoffs of the Rug Co.’s bespoke creations.

Rug Co. officials said ABC, one of the nation's largest retailers of carpets, has attempted to pass three bestselling Rug Co. designs as its own — including one rug that appeared in ABC's print advertisements.

"They hadn't even bothered to change it," Rug Co. President Christopher Sharp said. "As far as I'm concerned, it's a type of theft." Sharp's lawsuit, filed in May in federal court in New York, accuses ABC of copyright infringement and unfair trade practices. ABC owner Paulette Cole did not return calls requesting comment, but Mitchell Falber, general counsel for the company, said the charges are without merit.

Whether or not the allegations are proven, industry experts said the lawsuit is yet another sign of designers' escalating concerns.

"It is a huge problem, and it is a changing problem," said Susan Farley, an intellectual property lawyer based in Albany, N.Y.

Blame technological advances and a global marketplace in which overseas factories can within weeks whip up inexpensive knockoffs from a photograph. Some in the industry also say the proliferation of shelter publications and decorator TV shows has awakened in consumers a taste for sophisticated design but not necessarily the willingness to pay for it.

"Magazines do a page where they show the designs a high-end way, and then on the exact opposite page, they say, 'This is how to get the look,' " said Eleanor McKay, former president of the Foundation for Design Integrity, an alliance of companies fighting knockoffs.

Some say the trend reflects the democratization of design. McKay has another analogy.

"Plagiarism, is what it is," she said.

McKay said high style for the masses is fine. The trouble is how that style is achieved. "The designers for the middle- and low-end companies sometimes poach," she said.

Concern about designer knockoffs is nothing new to the home furnishings world. Whereas much of the media attention has been on copies of midcentury classics — the Eames chairs, the Nelson clocks — now many copies are of new pieces that have yet to fully reach their target audience before similar versions start to appear in catalogs and on store shelves.

Finding reliable statistics on the dollar value of such copying is difficult, but in surveys
compiled by the trade magazine In Furniture and cited by Farley and the foundation, about 58% of companies said copycat designs had hurt their sales, and 79% of all retailers said the problem has grown in the last 10 years.

But as the knockoffs mount, Farley said, so too are the number of designers willing to protect their work — by copyrighting designs, filing lawsuits and, sometimes, doing their own detective work.

Christine Silva, a fourth-generation furniture designer in the Bay Area, said she loaned a barstool from her showroom to representatives from Pat Kuleto Restaurant Development and Management Co., founder of several high-profile restaurants in the San Francisco region. Silva said that instead of using the stool to persuade associates to place an order, company representatives took it to an upholsterer and reproduced it.

When a magazine article showed what Silva said were her stools in a hot new restaurant, she sped across three counties in a state of rage, then pretended to be a customer with a spilled purse to get a closer look at the restaurant's furniture.

A year later, in 2003, Silva's company settled with the Kuleto restaurant company for an undisclosed sum, she said. Representatives from Kuleto did not return calls seeking comment.

Silva, now president of the foundation, said designs by small companies are knocked off by chain stores all the time. "Some people argue, 'Why waste your time?' But we work so hard in creating something … making it look wonderful from every angle," she said.

In the fashion world, knockoffs are rampant in part because it is virtually impossible to copyright the shape and cut of fabric. But home furnishings designers can legally protect many of their creations because they can copyright patterns.

According to Rug Co. attorney Peter Jacobs, copycats respond by making slight variations in hopes of placing their products outside the reach of copyright laws.

"It won't look like your design, but yet it will capture the feeling of your design," he said. "And then you have a real issue of whether or not it is your design they are knocking off."

Even when lawyers do think they have a strong case for copyright infringement, the cost of litigation steers many potential plaintiffs away from court. Some designers also are reluctant to call attention to copycat products that, though of inferior materials and workmanship, look remarkably similar and are priced much lower.

Many cases are resolved quietly, which is hardly the case with the Rug Co.

Launched in 1997 by Sharp and his wife, Suzanne, the company's success rests on its pairing of contemporary designers with an ancient technique: The carpets are hand-woven in Nepal with Tibetan wool dyed by hand. Depending on the design and designer, a 9-by-6-foot rug retails for $3,000 to $9,000 in the company's showrooms, including a Melrose Avenue space that opened last year.

Fans include stars such as Gwyneth Paltrow — and, apparently, unscrupulous rug makers.

Jacobs said the company has spotted purloined patterns in stores across the country. In each instance, he dispatches a cease-and-desist letter.

"Usually, people stop. I could give you a whole list of major rug wholesalers and retailers who we've caught," he said. "We sent them a letter, and they apologized."

According to the lawsuit, ABC initially apologized as well.

On May 19, 2005, the Rug Co. said it sent a representative into ABC in Manhattan and discovered "ABC carpets bearing an ABC specific design" that bore a resemblance to a Rug Co. piece called Mums and Asters, a whimsical bouquet of pink, yellow and red blooms by Kim Parker. The ABC carpet, the lawsuit said, was "substantially identical to the Parker design, but with off-white, red-orange fields."

Lawyers for the Rug Co. sent a letter to ABC demanding that it stop selling the carpet. According to the suit, ABC agreed.

But five months later, the court papers said, a Rug Co. representative found the carpet for sale in London at Harrods department store, where ABC maintains a retail space. That same month, the lawsuit said, ABC displayed a Rug Co. design called Moses in an advertisement it ran in the New York Times. Another design, Meander, is cited as a third example of alleged copying.

ABC lawyer Falber declined to discuss the allegations in detail beyond saying that the charges were untrue. He said his company is in talks with the Rug Co. and hopes to
reach an amicable resolution.

The Rug Co.'s Sharp said the lawsuit is part of a crusade.

"What I'm trying to do is really make a point," he said. "We've made a decision that we're not going to put up with it."

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