

# Paradox of Fashion:

*Introduction and Overview*

*University of Notre Dame du Lac, London Centre*

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Jane Lambert



# University of Notre Dame du Lac



As a UCLA Bruin I enter this building with some trepidation as there is a longstanding rivalry between my school and Notre Dame in football and above all basketball.

# Salute “The Fighting Irish”



The University of Notre Dame is pronounced “Nota Dame” in the USA and not the way it would be pronounced in France. Its sports teams are called “the Fighting Irish.”

# My Job Today

- To present an introduction and overview to intellectual property (“**IP**”) from a global perspective;
- Fashion is a global industry as is obvious on any trip to Primark or Monoprix with goods coming from around the world

# What is Intellectual Property?

- The bundle of laws that protect investment in intellectual assets
- Intellectual assets are the *je ne sais quoi* that gives one business a competitive advantage over all others
- Intellectual assets fall into four categories: brands, designs, technology and creative works

# What is Intellectual Property?

- Some of those rights confer monopolies:
  - patents
  - registered designs
- Others confer rights to prevent a particular act such as copying as in copyright or offering goods or services under a sign that can be confused with that of an established trader.

# What is Intellectual Property?

- These rights confer monopolies or restrictions on competition which are as harmful as any other restraint of trade.
- Ever since the Statute of Monopolies 1623 which was the world's first IP statute the law has sought to regulate two conflicting interests.

# What is Intellectual Property?

- Intellectual property law exists to provide:
  - incentive to innovate or create
  - preserve freedom of trade
- Courts and legislatures have to balance conflicting interests of
  - innovators and creators
  - consumers, and
  - competitors of innovators and creators



# World Intellectual Property System

- World Trade Organization Agreement
- Annex 1C: Agreement on Trade Related Aspects of Intellectual Property Rights (“**TRIPS**”)
  - WTO member states must provide copyright, industrial design and trade mark registration
  - Provide criminal sanctions for bootlegging, counterfeiting and piracy

# Enforcement

- Except for those infringements that are criminal offences it is the IP owner's responsibility to police and enforce his or her IP rights through civil proceedings.
- In common law countries such as England and USA litigation is considerably more expensive than in civil law countries like France

# Enforcement

Steps have been taken in England to reduce the cost of enforcement:

- Intellectual Property Enterprise Court (“**IPEC**”)
- IPEC Small Claims track for claims under £10,000
- IPO opinion service for designs

# Further Information



**Jane Lambert**  
**4-5 Gray's Inn Square**  
**London**  
**WC1R 5AH**

**+44 (0)20 7404 5252**

**[Jlambert@4-5.co.uk](mailto:Jlambert@4-5.co.uk)**

**<http://4-5ip.blogspot.co.uk/>**

**<https://twitter.com/nipclaw>**

**<http://www.linkedin.com/in/nipclaw>**