

Insights: Publications

From Fashion Catwalks to the Courts

Copyright World

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In the US, fabric designs are considered to be a proper subject of copyright law for the pictorial and graphic elements of the fabric and as works of art, unlike clothing designs which are considered primarily as having a utility function and are not covered by copyright law. To qualify for copyright protection, fabric designs must have some elements of originality, where this does not exist designers may chose other avenues for protection, such as trademark. Over the past few years, there has been a surge of legal activity with designers proactively targeting some of the most prolific copycat merchants. This article looks at how fabric design protection has been used by copyright holders in the past and how today's designers are pursuing "knock-off" infringers.

Related People



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