Insights: News

Sindy Ding-Voorhees Quoted in "How Does Fashion Law Protect Brands’ Intellectual Property?"

Vogue Business in China

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Paying respect, copying, parody and controversial cultural appropriation are phenomena that are common around the world. Sindy Ding-Voorhees, a trademark and copyright attorney at Kilpatrick Townsend & Stockton LLP and co-director of Fashion and Art Law Institute, says that, whether in China or the US, the standards as to whether a fashion design is considered infringing include whether it is authorized, whether it causes likelihood of confusion with the original design, etc. “Fair use” principle could be a defense, and practically, various factors have been concluded and applied to determine whether a certain design work falls under fair use. Taking parody as an example, in the US, as long as it contains tremendous creativity and creates high transformative value for the original work, then the product falls within the scope of what's permissible. China's theory and implementation also follow this standard.

Related People



Sindy
Ding-Voorhees
Seattle, WA
t 206.626.7716
sding-voorhees@ktslaw.com