LEX GAZETTE
International Multidisciplinary Research Journal

ISSN: 3049-3536 (O)

VOLUME: I, ISSUE: II
April (2025)

Lex Gazette International Multidisciplinary Research Journal

DOUBLE BLIND PEER REVIEWED

OPEN ACCESS

A Review of Design Protection Laws Relating to Intellectual Property Rights in the Fashion Industry

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ABSTRACT

The suitability of current legal frameworks for safeguarding fashion designs is the main focus of this study, which explores the relationship between intellectual property rights and the Indian fashion industry. The main goal is to assess how well Indian intellectual property laws, more especially the Designs Act of 2000, the Copyright Act of 1957, and the Trade Marks Act of 1999, address the fast-paced and dynamic nature of the fashion industry. This study uses a doctrinal research methodology and incorporates information from international conventions like TRIPS, statutes, court rulings, and comparative analysis between the legal systems of the United States and the European Union.

The study shows that although Indian IP laws provide some protection, they are disjointed and unprepared to handle issues like design piracy, fast fashion replication, and insufficient enforcement. Judicial inconsistencies and the pressing need for legal reform are highlighted by case studies, which include seminal rulings such as Christian Louboutin v. Yves Saint Laurent and Ritika Pvt. Ltd. v. Biba Apparels. The study also examines economic aspects such as IP valuation and commercialisation, emphasising the necessity of policy interventions, IP literacy, and a sui generis law tailored to the fashion industry. According to the findings, in order to sustain creativity, a more unified, flexible, and designer-friendly intellectual property regime is required to foster innovation and increase India's level of global competitiveness in the fashion sector.

KEYWORDS

Fashion Law, Intellectual Property Rights, Design Protection, Trademark, Indian Legal Framework, Sui Generis Law, Fashion Industry

I. Introduction

India's fashion industry has a long and rich history. In India, people have a long history of dressing up, using artefacts on dresses, and combining different colours. In India, fashion varies by region, with each state or region having its own distinct style. Despite being misinterpreted as a superficial indulgence in aesthetics, fashion is actually a profound intersection of art, culture, economy, and identity. People and societies use this dynamic language to communicate their values, aspirations, and transformations. The global fashion industry is not only a thriving force in cultural expression but also a multibillion-dollar industry that fosters innovation, trade, and employment. Because of its unique blend of traditional craftsmanship and modern design sensibilities, the Indian industry is a thriving centre for creative innovation. However, the very creativity that propels the fashion industry is increasingly under threat from widespread imitation, counterfeiting, and legal ambiguities surrounding the protection of fashion designs.

The fundamental issue lies in a legal framework that fails to adequately and consistently protect the intellectual property (IP) inherent in fashion designs. Among the statutes that comprise India's design protection laws are the Designs Act of 2000, the Copyright Act of 1957, and the Trade Marks Act of 1999. Even though these laws are significant in and of themselves, they often overlap or conflict, leaving designers and brand owners in the dark and making enforcement challenging. This discrepancy is particularly detrimental at a time when digital platforms are growing, fast fashion is speeding up, and the design markets are becoming more globally integrated.

India does not have a specific intellectual property regime for fashion design, in contrast to international legal ecosystems that have created more intricate mechanisms. For instance, the United States recognises copyright provisions unique to fashion and permits design patents, while the European Union offers comprehensive protections under the EU Community Design framework. These international models highlight India's regulatory shortcomings through illuminating comparisons. In response to this gap, academics such as Sameer Kumar Swarup, Sachin Rastogi, and Shashank Singh have voiced grave concerns about the shortcomings of the existing Indian intellectual property laws.

Their research indicates that there are low registration rates, lengthy procedural processes, and no industry-specific provisions, and that the judiciary has not yet fully adapted to the commercial urgency of disputes pertaining to fashion. A review of this literature shows that

comprehensive policy reform, accelerated legal remedies, and sector-specific IP tools are still needed. The present study employs a doctrinal methodology, draws from primary and secondary legal sources, such as statutes, case law, policy documents, and scholarly writings, and compares the legal systems of India and the rest of the world. By combining empirical insights from case studies and reports from the fashion industry, it provides a comprehensive analysis of how intellectual property laws function in theory and practice within the Indian fashion ecosystem.

One needs a basic understanding of fashion and fashion design in order to comprehend why legal protection is required. Fashion serves as both a medium for cultural expression and a commercial product. The core of fashion design is producing tangible apparel or accessories that can be sold and promoted. It differs from other forms of intellectual production due to its uniqueness, talent, and vision. This usually means collaborating with artisans, fusing traditional elements with contemporary preferences, and taking cues from cultural themes in the Indian context. The high commercial value of such creative output highlights the necessity of legal safeguards that can prevent infringement, uphold fair competition, and recognise the financial rights of designers.

Intellectual property rights, or IPR, provide the legal basis for this type of protection. Nonetheless, the Indian fashion industry continues to implement IP law in an inadequate and often uneven manner. Protecting a product's ornamentation, shape, and configuration is the goal of the Designs Act of 2000. In the fashion industry, it refers to clothing structures, embroidery patterns, textile prints, and other ornamental elements. The Act's ten-year protection period, which can be extended by five years, does not apply to unregistered designs or functional elements. Designers usually avoid registration due to slow processes, high costs, and ignorance, which leaves their work open to piracy.

Trademarks, which are governed by the Trade Marks Act of 1999, provide protection for brand identifiers like logos, labels, distinctive patterns, or even specific colour schemes. In the fashion industry, trademark protection is essential for establishing brand identity, fostering consumer loyalty, and gaining market exclusivity. One well-known example is the legal recognition of the red soles of Christian Louboutin as a trademark colour. Trademark protection requires the ability to prove distinctiveness and non-functionality, which can be challenging in the fashion sector. Due to their ten-year renewable periods, trademarks provide long-term security.

Copyright law protects original artistic works, including fashion sketches, embroidery patterns, and promotional materials.

The effectiveness of copyright in the fashion industry is restricted by Section 15 of the Copyright Act, which removes protection once a design is used on more than 50 articles unless registered under the Designs Act. Designers must carefully handle the transition between copyright and design protection to stay out of legal hot water. Patents are rarely used in traditional fashion, but they become significant when fashion and technology meet, as in the case of the development of smart textiles or innovative production techniques. Patent law protects useful inventions in these circumstances, but because of its high costs and protracted processing times, fast-moving fashion trends cannot profit from patenting.

A significant barrier is the overlap and divergence between design law and copyright. Indian courts have consistently affirmed that copyright protection terminates once a design is used industrially, as highlighted by a number of court decisions interpreting Section 15 of the Copyright Act. This has led to legal ambiguity and vulnerability for designers who do not register under the Designs Act. Furthermore, registration delays often make them useless for safeguarding the industry due to the short design life cycles of fast fashion. The registration process is viewed as being inaccessible and out of step with industry deadlines, despite the fact that registered designs offer superior protection and infringement remedies.

Unregistered designs rely on weaker and more challenging-to-enforce common law remedies like passing off, despite being more common due to financial and procedural barriers. This imbalance makes a significant portion of the fashion industry susceptible to exploitation, especially emerging designers and small brands.

International agreements such as the TRIPS Agreement and the Hague Agreement also influence the scope of design protection. Although it complies with TRIPS standards, India is not a signatory to the Hague Agreement, which allows international design protection through a single application. As a result, Indian designers face difficulties when attempting to safeguard their creations abroad. The absence of a similar system for industrial design is still a major drawback, despite the Madrid Protocol's assistance in making international trademark registration simpler. This limits the global appeal of Indian fashion and hinders export growth. Legal reform to ratify international treaties could improve India's position in global fashion markets and create new opportunities. The domestic issues are made worse by systemic issues

like procedural complexity, legal costs, enforcement delays, and a lack of awareness. Many designers are unaware of intellectual property rights, which leads to low registration rates and increased vulnerability to counterfeiting.

Even though the Indian legal system offers a patchwork of protections for fashion-related intellectual property, these laws usually don't keep up with the industry's sensitive and ever-changing business environment. It is challenging for designers to safeguard their creativity due to procedural complexity, judicial inconsistency, fragmented statutes, and sluggish enforcement. This dissertation critically examines these issues through doctrinal and comparative analysis, highlighting the need for improved judicial sensitivity, cogent policy reforms, and increased IP literacy. It emphasises how important it is to protect fashion intellectual property for cultural and economic reasons in addition to legal ones. As India aspires to become a global fashion hub, it must match its legal system with industry realities and international standards to promote innovation, promote fair competition, and protect cultural heritage.

II. Laws Regulating The Protection Of Designs In The Indian Fashion Sector

India's legal system for safeguarding intellectual property (IP) rights offers a complex, albeit fragmented, strategy for preserving fashion designs. Unlike some other jurisdictions, such as the US or the EU, India does not have a sui generis legal framework that is specifically dedicated to the fashion industry. Indian fashion designers instead employ a combination of general intellectual property laws, such as the Designs Act of 2000, the Trade Marks Act of 1999, and the Copyright Act of 1957, to protect their creations. The fashion industry is known for its rapid innovation, hybrid forms, and seamless transition between functional and aesthetic expression. Despite their strength in their respective fields, these statutes often result in ambiguities and overlaps.

(i) Protection under the Design Act, 2000[1]

The Designs Act of 2000 is the primary law that safeguards the aesthetic and decorative elements of industrial goods, including apparel and fashion accessories. According to Section 2(d), "design" refers to any element of an article's final product that appeals to and is judged solely by the eye, such as its shape, arrangement, pattern, ornamentation, line, or colour composition. It specifically disclaims all construction techniques and functional features. The

[1] The Designs Act, 2000 (Act 16 of 2000)

silhouette of a gown or the print on a textile are examples of fashion items that are eligible for registration if they are novel, distinctive, and have never been published before. According to the Act, the registered proprietor has exclusive rights for the first ten years, with the possibility of five more extensions. Section 22 deals with infringement and provides civil remedies like damages and injunctions in cases where piracy is proven.

The Delhi High Court examined the issue of fashion design originality and registrability in the 2016 case of Biba Apparels Pvt. Ltd. v. Rohit Bal & Ors. The court emphasised the importance of distinguishing purely aesthetic elements from functional aspects and restated that only aesthetic elements are protected under the Designs Act. In a similar vein, the 2009 case of Microfibres Inc. v. Girdhar & Co. upheld the principle that, due to Section 15(1) of the Designs Act, a design loses its protection under the Copyright Act as soon as it is registered under the latter law.

(ii) Protection under the Copyright Act, 1957[2]

Drawings, paintings, sculptures, and other two- or three-dimensional representations are protected as "original artistic works" under Section 2(c) of the Copyright Act of 1957. This clause is particularly relevant to fashion designers when their designs are produced as sketches, illustrations, or digital artworks. A significant restriction is added by Section 15(2), though, which states that if a design is replicated more than fifty times through an industrial process, it must be registered under the Designs Act and lose its copyright protection. This clause creates a two-tiered system where the appropriate protection is determined by the type and extent of use.

The landmark case of Ritika Private Limited v. Biba Apparels Pvt. Ltd. (2016) clarified the connection between copyright and design protection. The Delhi High Court decided that copyright protection was not available because the garment had been commercially reproduced more than fifty times. This ruling highlights how important it is to register under the Designs Act as soon as possible in order to ensure continued protection. Through overlapping regimes, this legal paradox aims to promote early registration while also preventing designers from enjoying long-term monopoly rights.

[2] The Copyright Act, 1957 (Act 14 of 1957)

(iii) Protection under the Trademark Act, 1999[3]

The Trade Marks Act of 1999 offers yet another significant but unique form of protection. While design law protects the decorative elements of fashion items, trademark law protects the identifiers of brand origin, including names, logos, slogans, and distinctive visual elements that have acquired secondary meaning. According to Section 2(zb), a trademark is any mark that can be used to distinguish one person's goods or services from another. In addition to avoiding consumer confusion, trademarks in the fashion industry build brand equity and goodwill.

One of the most obvious instances of the overlap between design and trademark law is the concept of "trade dress," which refers to a product's external appearance that identifies its source. The Delhi High Court acknowledged in the 2004 case of Coca-Cola Co. v. Gemini Distilleries Ltd. that the Coca-Cola bottle's shape was now so strongly linked to the brand that it should be protected as a trademark. Similar to this, unique design features that become recognisable to consumers over time, like Christian Louboutin's red soles, can still be protected by trademark law in the fashion industry even after design rights have expired.

Even though trademarks have the potential to provide permanent protection, there are real-world obstacles. According to Section 9(3) of the Act, a design must meet the non-functionality requirement in order to be registered as a trademark. Generally speaking, designs that add significant value to the product or are functional are not eligible for trademark registration. Furthermore, it is frequently necessary to provide substantial evidence, such as sales records, advertising expenditures, and consumer surveys, to demonstrate distinctiveness or acquired secondary meaning.

(iv) Protection under the Patent Act, 1970

There is a growing market for patent protection in fields where fashion and technology collide, despite the fact that patents are typically thought to be unsuitable for the fashion industry because most designs are aesthetically pleasing rather than functional. Under the 1970 Patent Act, wearable technology integrated into clothing, temperature-regulating textiles, self-cleaning materials, and smart textiles may all be eligible for protection. A new product or process that incorporates an inventive step and has the potential for industrial application is defined as a patentable invention under Section 2(1)(j) of the Act. Companies involved in

[3] The Trade Marks Act, 1999 (Act 47 of 1999)

fashion-tech innovation may benefit from pursuing patent rights, especially when their inventions have long-term applicability, even though many designers are put off by the expense and difficulty of obtaining a patent.

Exclusions are outlined in Section 3 of the Patents Act, including Section 3(f), which prohibits the patenting of simple configurations or modifications of well-known devices. This aids in getting rid of non-technical elements or purely aesthetic changes that don't add anything novel. This suggests that in the fashion industry, only truly beneficial inventions—such as environmentally friendly manufacturing techniques or interactive apparel—have a chance of being granted patent protection. As a result, while patents still only make up a small portion of traditional fashion design, their significance is increasing as the industry embraces new technologies.

India's compliance with international intellectual property regimes further strengthens the legal framework. As a WTO member, India is bound by the TRIPS Agreement, which establishes minimal standards for the protection of copyrights, industrial designs, and trademarks. India has not yet ratified the Hague Agreement on the International Registration of Industrial Designs, which allows for streamlined protection in multiple jurisdictions with a single application. Due to this lack of participation, Indian fashion brands are less competitive globally, and it is more challenging for Indian designers to successfully protect their works overseas.

The Madrid Protocol, which regulates international trademark registration, has also been ratified by India. This treaty facilitates mark protection across multiple countries through a centralised application. Given the global nature of fashion branding, the Madrid Protocol provides Indian designers with an essential tool for protecting their brand identity in international markets. The absence of a comparable system for designs, however, disproportionately burdens fashion designers, who have to navigate complex national laws to secure international design rights.

The interplay of these laws offers designers and brand owners both opportunities and challenges. On the one hand, the range of legal tools available allows for layered protection across different aspects of a fashion product. Despite the availability of civil and criminal remedies, the protracted and resource-intensive nature of intellectual property litigation in India discourages rightful owners from pursuing legal action.

In general, India's legal framework for protecting fashion design is sufficient but far from perfect. The Designs Act, Copyright Act, and Trade Marks Act collectively cover the foundations of fashion intellectual property, but they fall short in addressing the unique challenges posed by this quickly evolving industry. Legal reform is urgently needed in the form of a fashion industry-specific statute, accelerated registration processes, enhanced enforcement powers, and international harmonisation through the Hague Agreement. As Indian fashion continues to gain international recognition, a proactive and comprehensive intellectual property regime will be required to sustain innovation, encourage investment, and protect the industry's rich creative legacy.

III. Judicial Approach To Fashion Ip In India

(i) Landmark Judgements

Determining the boundaries of fashion intellectual property (IP) rights has become increasingly dependent on the Indian judiciary, which regularly steps in to interpret and apply existing laws to disputes involving the fashion industry. One of the most well-known cases is the Delhi High Court's landmark ruling in Christian Louboutin Sas v. Nakul Bajaj & Ors, which recognised unusual trademarks like colour placement as permissible under Indian trademark law. A lawsuit was filed against an online retailer for selling counterfeit goods by the plaintiff, which is well-known for its red-soled shoes. The court determined that the red sole was protected as a trademark and trade dress under the Trade Marks Act of 1999 because it had acquired distinctiveness and secondary meaning. The ruling also made it clear that, rather than being passive hosts, e-commerce platforms that actively selected, advertised, or shipped illegal goods could be held accountable as intermediaries under Section 79 of the Information Technology Act, 2000[4].

The Delhi High Court rendered a decision regarding the relationship between copyright and design protection in the case of Ritika Private Ltd. v. Biba Apparels Pvt. Ltd.[5] Ritu Kumar, the owner of the plaintiff, claimed that Biba had violated her original textile designs. The Court cited Section 15(2) of the Copyright Act, 1957, which states that unless a design is registered under the Designs Act, 2000, its copyright is terminated after it is reproduced more than fifty

[4] Information Technology Act, 2000, s. 79
[5] *Ritika Private Ltd. v. Biba Apparels Pvt. Ltd*. [CS(OS) No.182/2011]

times through an industrial process. The Court rejected copyright protection for the unregistered designs, thereby reaffirming that copyright and design protection are mutually exclusive for mass-produced fashion items.

Another significant ruling is the Delhi High Court's ruling in Rajesh Masrani v. Tahiliani Designs Pvt. Ltd., which recognised the original drawings and visual representations of fashion clothing as "artistic works" under Section 2(c) of the Copyright Act. By issuing an injunction against infringement, the court set a precedent for acknowledging fashion sketches as copyrightable works even when the final product was not registered under the Designs Act. These rulings show how the Indian judiciary is beginning to recognise the distinctive qualities of fashion designs and the need for tailored legal interpretations. Additionally, they exhibit the judiciary's strict adherence to statutory limitations, particularly in relation to the application of Section 15 of the Copyright Act and the necessity of design registration.

(ii) Critical Evaluation of Judicial Trends

Strict statutory observance and a more comprehensive understanding of industry realities have alternated in court rulings pertaining to fashion intellectual property. The Copyright–Design dichotomy is one of the most prominent doctrinal issues. Courts have consistently used Section 15(2) to restrict copyright protection once the design surpasses the threshold for industrial application. The court reaffirmed in Microfibres Inc. v. Girdhar & Co.[6] that designs meant for mass production must be registered under the Designs Act in order to be protected legally, with copyright protection being excluded once the number of reproductions exceeds fifty. This has presented a problem for designers who produce unique and culturally significant works but lose protection when they are used for profit.

The acceptance of trade dress as a new legal theory in fashion intellectual property is another trend. The court acknowledged the red sole as a trade dress element in Christian Louboutin Sas v. Nakul Bajaj[7], a non-functional feature that identifies the product's source. In a similar vein, the Delhi High Court established a precedent for aesthetic identifiers to obtain legal protection even if they are not registered as designs in Burberry Ltd. v. D.C. Jain & Ors. by protecting Burberry's iconic check pattern under trademark law.

[6] *Microfibres Inc. v. Girdhar & Co.* (2009 SCC OnLine Del 1647)
[7] *Christian Louboutin Sas v. Nakul Bajaj* (AIRONLINE 2018 DEL 1962)

Nonetheless, a lack of consistent principles and inconsistencies continue. Although courts have demonstrated progressive thinking in acknowledging non-traditional trademarks and artistic elements, they have not been as successful in addressing issues of indigenous designs, cultural appropriation, and community rights. For instance, the public interest consequences of replicating tribal or folk patterns, which frequently lack official documentation or intellectual property registration, have not yet been adequately addressed by Indian courts. Jurisprudence that recognises these complex issues and closes the gap between legal restrictions and cultural realities is still desperately needed.

Furthermore, it is frequently unclear what is eligible for protection due to functional-aesthetic distinctions. Courts have sometimes had difficulty clearly applying the functionality doctrine, even though aesthetic elements are protected. Fashion frequently blurs the distinction between ornamental and functional elements, which results in differing judicial interpretations that compromise coherence.

The possibility of IP-specialized benches in High Courts could greatly improve ruling consistency and predictability in terms of legal reform. A court with more in-depth subject-matter expertise could more adeptly handle the intricate relationships between fashion's copyright, trademark, and design laws. Due to the lack of a consistent body of precedent, many lower courts and litigants are currently in a precarious situation.

(iii) Enforcement Mechanisms and Judicial Remedies

The enforcement of fashion intellectual property in India is still slow and complicated, even with an expanding body of case law. When it comes to claiming their rights, designers—especially independent and up-and-coming creators—face substantial financial and procedural obstacles. When a decision is made, the expense of litigation and the ephemeral nature of fashion trends frequently make legal remedies useless.

In the face of widespread online counterfeiting, Indian courts have shown ingenuity in granting injunctions and John Doe orders. The Delhi High Court has recognised the urgency of stopping the production and sale of couture garments that violated the law and issued an ex parte interim injunction. By defending not just the actual design but also associated brand elements like trade names and sketches, the court acknowledged the complex nature of fashion intellectual property.

In Rahul Mishra v. John Doe[8], the court took things a step further by ordering platform-level compliance and domain suspension for anonymous infringers who use websites and social media. Given that infringement commonly occurs on websites like Instagram and third-party marketplaces, these actions show the court's willingness to adapt remedies for digital realities.

However, access to justice continues to favour affluent brands. It's common for smaller designers to lack the legal resources or expertise needed to pursue claims. The judiciary has not yet institutionalised mechanisms such as legal aid clinics, fast-track IP tribunals, or interim monetary reliefs that could help under-represented creators effectively assert their rights. Another pressing issue is that intermediary liability has not been enforced in many decisions. Although the court clarified in the Louboutin case that active online sellers may be held accountable, enforcement against such platforms remains uneven and infrequent. India must adopt a more aggressive approach to platform accountability, similar to the EU's Digital Services Act, in order to combat fashion piracy at the platform level.

Additionally, the enforcement regime lacks pre-litigation redressal mechanisms like mandatory mediation or administrative takedown procedures. Criminal remedies under Sections 115 of the Trade Marks Act and Section 22 of the Designs Act are rarely used because of procedural difficulties and a lack of police training in fashion intellectual property matters. To address these systemic issues, training programs for judges, customs officers, and designers as well as the establishment of Fashion IP Cells within law enforcement agencies may help foster institutional sensitivity. Additionally, judicial collaboration with WIPO and the Department for Promotion of Industry and Internal Trade (DPIIT) may facilitate enhanced understanding and access to international enforcement toolkits.

IV. Key Challenges

The fashion industry is by definition a dynamic field founded on individuality, creativity, and aesthetic innovation. India's fashion industry has a lot of potential because of its wealth of traditional textiles, skilled artisans, and emerging modern design movement. Nonetheless, this very industry still carries a high risk of intellectual property (IP) violations. The current legal system is insufficient to handle the complexities of fashion design, and there are problems with awareness, enforcement, and systemic accessibility, so reform is desperately needed. This

[8] *Rahul Mishra v. John Doe* [CS(COMM) 1194/2024]

section highlights the primary problems with Indian fashion intellectual property and offers concrete solutions.

(i) A disorganised and intersecting legal system

One of the primary issues affecting fashion intellectual property protection in India is the disjointed legal system that is comprised of three primary statutes: the Copyright Act of 1957, the Designs Act of 2000, and the Trade Marks Act of 1999. Different laws protect different aspects of a fashion item: copyright protects sketches and patterns, design law protects clothing's aesthetic elements, and trademark law protects brand names and logos. In reality, however, these regimes often intersect and conflict. According to Section 15(2) of the Copyright Act, for instance, an artistic work's copyright protection ends after it is used industrially and reproduced more than fifty times, unless the design is registered under the Designs Act. This bifurcation forces designers to make unrealistic predictions about future use at the point of creation in fast-paced fashion cycles. There is a legal gap that could let some designs fall between the cracks and become unprotected by either statute because these protections are mutually exclusive.

(ii) Massive costs and delays in the process

India's IP registration and enforcement procedures are cumbersome and expensive, particularly for independent or small-scale designers. A formal application, review, and possible opposition are required when registering a design under the Designs Act; this process can take several months. Infringers may freely copy and distribute the design during this time, taking advantage of the fashion industry's critical commercial window.

The same is true of legal remedies. Emerging designers are discouraged from starting proceedings because civil litigation is expensive and time-consuming to obtain interim relief or injunctions. Even if it works, the delay frequently makes the solution unprofitable, especially when fast fashion rivals quickly copy designs. [2]

(iii) Low Legal Literacy and IP Awareness

The enforcement of fashion intellectual property is further weakened by the general lack of legal literacy among designers and craftspeople. A common misconception among designers is that their work is protected from infringement by social media exposure or public visibility. [3] In actuality, the majority of designs cannot be defended in court without official registration and documented rights.

Furthermore, traditional artisans, who play a vital role in the design ecosystem, frequently lack the knowledge or resources necessary to access intellectual property rights. These communities are crucial to India's textile legacy, yet they are rarely represented in programs that raise legal awareness or provide IP training.

(iv) Market piracy and fast fashion

Both domestic and foreign fast fashion companies frequently imitate expensive or independent designer creations without consequence. Because fashion trends don't last long, mass-market competitors can copy and distribute designs more quickly than the legal system can react. This dynamic discourages innovation and seriously erodes originality.

"Because the design was not registered under the Designs Act, the court denied copyright protection in Ritika Pvt. Ltd. v. Biba Apparels, highlighting the legal loophole that leaves commercially produced fashion unprotected."[9] Because there is no automatic protection, infringers can take advantage of this delay, giving designers little real-world options.

(v) Complicity on Platforms and Digital Infringement

Online platforms have made design piracy more widespread. Global marketplaces, Instagram boutiques, and e-commerce websites are flooded with unlicensed copies of original works. The Delhi High Court's ruling in Christian Louboutin Sas v. Nakul Bajaj, which held an online retailer accountable for selling fake goods, marked a change to more stringent intermediary liability.[10] Enforcement is still uneven, though, as the majority of digital platforms demand onerous evidence of intellectual property ownership before removing content that violates the law.

Additionally, a large number of online counterfeiters conduct their business anonymously, which complicates and ambiguously defines jurisdiction in litigation. Execution is still challenging across various digital domains, even when designers receive "John Doe" orders.

V. Recommendations And Suggestions

A comprehensive approach that includes institutional development, capacity-building, industry-wide cultural change, and legislative reform is needed to address these issues.

[9] *Ritika Private Ltd. v. Biba Apparels Pvt. Ltd*. [CS(OS) No.182/2011] Supra n.5
[10] Christian Louboutin Sas v. Nakul Bajaj (AIRONLINE 2018 DEL 1962), supra n.8

(i) Sui Generis Fashion Design Law Adoption

A sui generis statute that specifically addresses fashion designs is desperately needed in India. A law like this could provide fashion designs with temporary, automatic protection at the time of creation or public display, bridging the gap between copyright and design law. This would put India in line with programs such as the Unregistered Community Design program of the European Union, which offers three years of protection from the date of public release.

A customised law would take into consideration the brief commercial lifecycle of fashion items and do away with the irrational pre-registration requirement. In order to promote greater involvement in the official IP system, it might also incorporate streamlined processes for community artisans and small-scale designers.

(ii) Quick Registration and Temporary Security

A fast-track IP registration program tailored to the fashion and creative industries should be implemented in order to facilitate access to the current legal framework. This setup would enable:

- A temporary design registration is good for six to twelve months.
- minimally regulated online filings,
- accelerated review for applications with a tight deadline,
- In cases of infringement, there is a 48-hour window for injunctive relief.

The legal response time would be significantly shortened by these reforms, and designers would have a significant window of opportunity to take action before piracy undermines their products' market potential.

(iii) Improved Legal Assistance and IP Education

It is imperative that fashion schools, design academies, and artisan clusters implement institutional measures to increase IP awareness. Fashion curricula should be required to include IP education, which should cover both legal and practical topics such as contracts, licensing, and infringement detection.

Legal clinics and facilities for independent designers and craftspeople can also be essential middlemen. These centres ought to help with basic legal agreement draughting, application filing, and search assistance—services that are currently only available to well-known brands.

(iv) Appreciation of Community and Cultural Rights

India's traditional design heritage, which is represented in the Madhubani motifs, the Varanasi weaves, and the Kutch embroidery, is becoming more and more threatened by unrecognised commercialisation and cultural appropriation. However, traditional designs are not granted collective or community-based rights under the current legal system. Region-specific textile designs and motifs can be documented and protected with the creation of a Traditional Designs Registry, similar to the GI Registry. Royalties from the collective licensing of these designs can be given back to artisan groups. Furthermore, benefit-sharing arrangements with source communities must be promoted (or mandated) for designers looking to commercialise traditional art forms.

(v) Combining Commercialisation and IP Valuation

Intellectual property rights should be seen as both financial assets and protective instruments. If designers are aware of the commercial potential of their intellectual property portfolios, they can profit from their creations through licensing, brand partnerships, and merchandising.

Government programs should introduce IP-backed loans or grants through organisations like SIDBI and DPIIT, provide platforms for matching parties in licensing agreements, and encourage IP valuation training.

VI. CONCLUSION

With a strong cultural heritage and growing integration into the global creative economy, the Indian fashion industry is situated at the nexus of innovation and tradition. Particularly in the area of intellectual property, this dual identity offers a special set of opportunities and challenges for legal protection. The study shows that although India has a workable legal system that includes the Designs Act of 2000, the Copyright Act of 1957, and the Trade Marks Act of 1999, these laws are still disjointed, overlap, and unfit to handle the complex and fast-paced nature of the fashion industry.

The judiciary has made commendable strides in recognising the nuances of fashion intellectual property through landmark rulings such as Christian Louboutin v. Nakul Bajaj and Ritika Pvt. Ltd. v. Biba Apparels. Strict statutes, drawn-out processes, and inconsistent interpretations, particularly with regard to trade dress protection and the overlap between copyright and design, hinder these efforts. Additionally, enforcement problems, fast fashion replication, digital piracy, and designers' lack of awareness all contribute to a vulnerable ecosystem for creators.

This essay argues in favour of a comprehensive reform agenda that includes the adoption of a sui generis law tailored to the fashion industry, faster registration processes, increased digital enforcement, and institutional support for IP literacy. Integrating traditional knowledge systems with community design rights is equally important to protect India's craft communities and artisans from commercial exploitation and cultural appropriation.

In conclusion, safeguarding fashion intellectual property is not only mandated by law but also by business and culture. A flexible, designer-friendly intellectual property policy will not only protect creativity but also boost exports, promote innovation, and establish India as a major force in the fashion industry. The future of Indian fashion depends on its ability to transform from an unregulated creative economy to a legally recognised, internationally competitive industry where innovation is boldly pursued, tradition is respected, and creativity is valued.

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