

Fashion Law: A Comparative Study of U.S. and European Models

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Abstract

The objective of this research project is to bring to light the lack of protection for fashion designers' intellectual property in a comparative study of intellectual property laws in the United States and the European Union. Legislation and case law surrounding the intellectual property rights of designers in the U.S. enable a culture of "fast fashion" where designs are stolen with ease and mass produced at a low cost to consumers with no legal ramifications. The erosion of intellectual property rights has revealed to have far-reaching ethical implications beyond the injustice the original designer concerning environmental impact and unfair labor practices. To address the root cause of these consequences, there must be an examination of current U.S. intellectual property law with regard to the protection of ownership over originality in the fashion industry. European models of intellectual property laws were constructed to afford greater protections to designers, which is the reason that nations such as Italy and France emerged as fashion capitals of the world. A comparative study of intellectual property laws in the U.S. and in the European Union will reveal the shortcomings of U.S. laws pertaining to the fashion industry and will provide guidance in the adoption of stricter protections to promote creativity, quality, and fair competition.