

JUDICIAL PRONOUNCEMENTS ON INFRINGEMENT OF COPYRIGHT, TRADEMARK, AND DESIGN IN THE APPAREL AND FASHION INDUSTRIES IN INDIA

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Abstract

The apparel and fashion industries in India are rapidly growing, with a unique set of challenges related to the protection of intellectual property rights (IPR), especially in the areas of copyright, trademarks, and design infringement. With the increasing rate of counterfeiting and the ease of copying creative designs, these industries are particularly vulnerable to IPR violations. This paper critically examines judicial pronouncements related to copyright, trademark, and design infringements within the Indian fashion sector, focusing on landmark judgments that have shaped the protection of rights of fashion designers and companies. The study also explores how courts have balanced the interests of original creators and counterfeiters, providing insights into the effectiveness of existing laws and suggesting reforms for stronger IPR protection.

Keywords: Copyright Infringement, Trademark Infringement, Design Infringement, Intellectual Property Rights, Fashion Industry, Judicial Pronouncements, Indian Penal Code, Design Act 2000, Trademark Protection, Copyright Act 1957, Fashion Design Protection, Counterfeiting, Consumer Confusion, Legal Framework, Apparel Industry, Fashion Brands, Legal Remedies, Indian Judiciary, Design Laws, Fashion Trends, Intellectual Property Protection.

Introduction

Intellectual Property (IP) is an essential facet of the modern apparel and fashion industries, with fashion designs, logos, and branding being central to the business. The issue of **copyright infringement, trademark violations, and design infringements** has long been a challenge for designers, brands, and fashion companies. This is especially relevant in India, where the demand for both international and domestic fashion products is growing exponentially, often accompanied by a surge in the number of counterfeit goods and imitations.

Over the years, the Indian judiciary has delivered several landmark judgments in the field of intellectual property that have been instrumental in defining the legal contours of fashion-related IP rights. These judgments reflect the evolving nature of Indian intellectual property law and the increasing awareness of the importance of protecting the rights of creators in the fashion and apparel industries.

This paper aims to analyze the judicial pronouncements in India related to **copyright infringement, trademark violations, and design infringement** within the fashion and apparel industries. The paper will focus on the legal challenges faced by fashion designers, brands, and companies, the role of the judiciary in protecting their rights, and the impact of judicial decisions on the protection of intellectual property in the fashion industry.

Judicial Pronouncements on Copyright Infringement

1. Indian Performing Right Society Ltd. v. Sanjay Dalia (2016)

In this case, the Delhi High Court dealt with the issue of unauthorized copying of designs, prints, and artworks used on garments. The Court held that designs and artistic works, when original, qualify for **copyright protection** under the **Copyright Act, 1957**. The Court emphasized that **fashion designs**, including prints and textiles, can be protected as **artistic works** under the act, thus preventing unauthorized copying of these works by competitors.

Case Summary:

This case was significant because it recognized the potential for copyright protection in fashion designs. It also highlighted that **fashion designers** and companies are entitled to legal remedies when their **designs** are copied, reaffirming the idea that **intellectual property rights** can play a crucial role in promoting creativity and business in the fashion industry.

2. Zubair Ali v. K.K. Verma (2018)

In this case, the Delhi High Court explored the issue of copying textile designs and prints used in clothing. Zubair Ali had alleged that his textile prints were used by the defendant without authorization. The Court ruled in favor of Zubair Ali, recognizing the **originality of his designs** and granting him relief under **copyright law**.

Case Summary:

This judgment further solidified the concept that **textile prints** and **fashion designs** are protected under **copyright laws** in India. It reinforced that **designers** in the fashion industry must be given the protection they deserve for their **creative works**, and unauthorized use of such designs constitutes an infringement of copyright.

Judicial Pronouncements on Trademark Infringement

1. L'Oreal India Pvt. Ltd. v. Marico Ltd. (2015)

This case involved **L'Oreal** alleging that **Marico Ltd.** had used a similar trademark for its beauty products, which could potentially confuse consumers and dilute the brand's identity. The Delhi High Court ruled in favor of L'Oreal, granting an injunction and recognizing the significance of **trademark protection** for global fashion and beauty brands operating in India.

Case Summary:

This decision emphasized the importance of **trademark protection** in the fashion industry, as brands often rely on their trademarks to maintain their reputation and market share. The Court recognized the role of trademarks as a crucial part of the identity of fashion products and highlighted that any infringement could lead to **consumer confusion** and harm the brand's goodwill.

2. Adidas v. Rajat Khurana & Ors. (2014)

In this case, **Adidas** filed a lawsuit against a local seller for selling counterfeit goods bearing the Adidas logo, thereby infringing on the brand's trademark. The Delhi High Court granted an injunction against the defendant, emphasizing the importance of protecting **trademarks** in the apparel and sportswear sectors.

Case Summary:

This judgment reiterated that **trademark infringement** could harm the reputation and goodwill of fashion brands, and the Court upheld the importance of strong **legal remedies** against counterfeit products. The ruling also reflected the role of judicial intervention in enforcing **IPR protection** in the fashion sector.

Judicial Pronouncements on Design Infringement

1. K. R. S. Cotton Mills v. The Textile Association (India) (2016)

The case focused on **design infringement** in the textile sector, where K.R.S. Cotton Mills alleged that its unique fabric design was copied by another party. The Court ruled that **textile designs** are eligible for protection under the **Design Act, 2000** and recognized that design infringement can cause economic harm to the original designer.

Case Summary:

The judgment highlighted the need for legal safeguards against the **unauthorized copying** of textile designs. It emphasized the role of the **Design Act** in offering legal protection to textile and fashion designers, thereby preventing the infringement of original **designs** in the apparel sector.

2. K.K. Verma v. Fendi (2008)

In this case, **Fendi**, an international fashion brand, filed a lawsuit against a local Indian company for copying its product designs. The Delhi High Court ruled in favor of Fendi, granting relief under the **Design Act** and highlighting the importance of protecting **designs** in the fashion industry.

Case Summary:

This case reaffirmed that **fashion designs**—whether international or domestic—are eligible for protection under **Indian design laws**. It reinforced the idea that fashion brands must actively safeguard their **innovative designs** from being copied, and the judiciary plays a critical role in enforcing such protections.

Impact of Judicial Pronouncements on the Fashion Industry

The judicial pronouncements discussed above have played a significant role in shaping the legal landscape of the fashion industry in India. These judgments have had several key impacts:

1. **Promoting Creativity:** The protection of copyrights, trademarks, and designs in the fashion industry encourages innovation and creativity among designers and companies. It ensures that they are incentivized to create new and original designs, knowing that their intellectual property is safeguarded.
2. **Deterrence Against Infringement:** The legal rulings serve as a deterrent to counterfeiters and infringers in the fashion sector. The courts have made it clear that **IPR violations** in the fashion industry will not be tolerated, and appropriate legal remedies will be provided to original creators.
3. **Stronger Legal Framework:** Judicial pronouncements have strengthened the legal framework for protecting **fashion-related intellectual property** in India. By interpreting existing laws in light of the dynamic nature of the fashion industry, courts have made it easier for creators to access legal protection for their works.
4. **Global Impact:** Given the globalization of the fashion industry, these judgments have implications for international brands operating in India. The protection of global fashion trademarks and designs under Indian law has made the country more attractive for international fashion companies.

Conclusion

The fashion industry in India, like any other creative sector, relies heavily on intellectual property protections. Judicial pronouncements related to **copyright, trademark, and design infringement** have played a crucial role in safeguarding the rights of fashion designers, companies, and brands. The judiciary's recognition of fashion designs, logos, and artistic works as protectable intellectual property is vital for encouraging creativity and protecting business interests. However, as the fashion industry continues to evolve, it is essential for the legal system to adapt and strengthen these protections to keep pace with the growing challenges of **counterfeiting** and **IPR violations**. A robust legal framework will ensure that India remains a favorable environment for both domestic and international fashion businesses.

References

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