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What Is Fashion Law? Understanding the Legal Side of the Fashion Industry

- Deeksha Chhipa

Fashion is generally perceived as a purely creative endeavour designs, fabrics, runways, and seasonal collections. However, every collection, brand name, and garment hanging on a store shelf has an intricate network of legal considerations attached to it. There is even a name for it, fashion law, which is among the fastest-growing specialty fields of practice in the legal profession nowadays. It is a field which applies to almost every stage of development of a piece of clothing from its initial design up to the point of being unwrapped by a customer.

Fashion law needs to be viewed more as an umbrella term for a variety of legal considerations rather than one cohesive field of law. There is no statute which governs the field in the same way as there are federal laws regulating tax law, for example. Fashion law, however, is a cross-disciplinary field of practice encompassing intellectual property, contracts, labour law, international trade, consumer law, civil rights legislation, etc., all focused on apparel, footwear, accessories, and luxury products. Fashion law as a scholarly field was first introduced in 2010, when Fordham University School of Law opened the first-ever Fashion Law Institute in the United States. Since then, law schools and business schools around the world in Italy, Brazil, Turkey, Canada, and elsewhere have introduced their own programs, and bar associations now run dedicated conferences and continuing legal education tracks on the subject.

Why do we need fashion law if our industry is based on creativity? The answer is simple: fashion is also a huge and rapidly moving industry worldwide. A piece of clothing may involve designers, manufacturers of textiles, contract manufacturers, models and their agencies, online selling platforms, and finally a retailer and each of those players poses legal problems. Fashion lawyers will start negotiating licensing deals, then they will go to court to defend their clients against counterfeiters, and the following day will be spent giving advice about the new recycling law in some states. Intellectual property would be the main area of practice for a fashion lawyer because designers try to protect their works, but U.S. laws make this task complicated. Thus, companies usually combine various means of protection.

Intellectual Property: The Core of Fashion Law

If fashion law has a centre of gravity, it's intellectual property. Designers naturally want to protect their creative work, but U.S. law makes that surprisingly difficult, and brands typically have to stitch together protection from several different legal tools at once.

Limitations of copyright : According to U.S. copyright law, clothes are "useful articles" and thus cannot be protected by copyright. Copyright protects only creative works, not the objects which are used in everyday life. The Supreme Court's 2017 decision in *Star Athletica v. Varsity Brands* clarified that a design element on a garment (like a graphic print or a two-dimensional pattern) can be copyrighted only if it could be imagined as a standalone artistic work, separable from the garment itself; essentially, if you could picture it framed on a wall independent of the clothing. That means a fabric print might be protected, but the cut of a dress generally is not.

Trademarks and Trade Dress: Trademark protection is used to protect any distinguishing aspect of your brand, including a logo, branding slogan, or even colour scheme in certain situations. While trademark laws cover much of the gap copyright leaves behind, there is another branch of trademark protection known as trade dress, which offers some legal protection for the look and feel of the product itself. Trade dress can include anything from the distinctive pattern of the goods, its colour combinations, or special packaging as long as they have developed distinctive features and, in most cases, a secondary meaning that consumers identify the good by (that is, they know what the look stands for). The process of getting trade dress protection can be somewhat harder and more expensive than registering a regular logo trademark, as it requires proof of significant marketing activities.

Design Patents : Design patent protection is aimed at protecting the aesthetic elements of the product and its look. It is especially useful for signature seasonal products as design patents are quite quick to get through. However, the application has to be filed within the first year after the product has hit the market.

Utility Patents : These cover truly new and useful inventions or processes an innovation in fabric technology or an innovative method of mechanical fastening, for example but because fashion design does not often involve invention, utility patents are the least frequently used form of IP in fashion.

Why India Needs Its Own Conversation on Fashion Law

The textile and garment industries in India are not just another secondary industry; rather, they rank second after agriculture in terms of employment opportunities, providing employment to over 45 million people in the country, with a majority of these being women and the rural population. A significant portion of this labour works for micro, small and medium enterprise clusters which rely entirely upon export for livelihoods.

India is also one of the places where some of the most famous textile styles come from – Banarasi silk, Kanchipuram sarees, Pashmina shawls, Pochampalli Ikat – all of which are associated with a particular region and set of people. All of this makes the task of fashion law

in India very complex, since it has to perform several functions at once: to protect brands and designers in the fashion industry in the same manner as other countries, protect the communities of artisans whose traditions are being stolen, and regulate an industry which has had little regulation.

Intellectual Property: A Patchwork, Not a Single Law

There is no dedicated "Fashion IP Act" in India. Instead, protection for a fashion design is pieced together from three separate statutes, each covering a different slice of the same product.

The Copyright Act, 1957 protects original artistic works, and Indian courts have read this broadly enough to include certain fashion elements. In the landmark case *Rajesh Masrani v. Tahiliani Design Pvt. Ltd.* (2008), the Delhi High Court held that garments, embroidery, and printed decorations on fabric can qualify as "artistic works" under Section 2(c) of the Act. This gives designers automatic copyright protection the moment an original sketch, print, or embroidery pattern is created — no registration required. But copyright still doesn't extend to the cut, shape, or overall silhouette of a garment, since those are treated as functional rather than purely artistic.

The Designs Act, 2000 is the primary tool for protecting the visual appearance of a fashion product — its shape, configuration, pattern, and ornamentation. To register a design, it must be new or original and capable of industrial application, and registration grants exclusive rights for ten years (extendable by five). Design Rules 2000 place fashion-related items under specific classes of the Third Schedule. The catch is that the Act explicitly excludes anything that functions as a trademark, meaning a design registered under this Act cannot simultaneously claim trademark protection, and vice versa — a separation that Indian courts have had to work around. In the Delhi High Court's full-bench decision in *Micolube India Ltd. v. Rakesh Kumar & Ors.*, the court expanded this somewhat, holding that a design registered under the Designs Act can still be defended through a passing-off action if it later starts functioning as a trademark in the market.

The Trade Marks Act, 1999 protects brand names, logos, taglines, and increasingly shapes, packaging, and colour combinations, provided they're distinctive enough to identify a single source. This is the most reliably enforceable tool Indian fashion brands have, since it doesn't depend on proving artistic originality the way copyright and design protection do.

Because these three regimes don't overlap cleanly, a single garment often needs to be protected in pieces: the fabric print through copyright, the silhouette through a registered design, and the logo through trademark. Enforcement remains a persistent weak point India's courts can be slow, and counterfeit goods continue to flood both physical and online markets faster than rights holders can act. However, since there is no one protection that protects a garment from head to toe, multiple protections are usually combined in an item, like a trademarked logo, copyrighted fabric prints, and design-patented hardware for a single handbag, for example.

Geographical Indications: Protecting Heritage, Not Just Brands

The most unique aspect of fashion law in India is its use of Geographical Indications protected under the Geographical Indications of Goods Act of 1999. The label is a way of saying that the product in question- Darjeeling tea, Banarasi silk, Mysore silk, Pashmina wool, or Kanchipuram silk is indigenous to a particular region and has certain qualities due to its place of origin. When it comes to textiles, a GI label grants an entire community of artisans collective control over the use of the label, protecting them from exploitation by counterfeit imitations manufactured elsewhere.

However, enforcement of the rules has been unable to keep up with the demand. "Banarasi silk" is openly manufactured using power looms in Surat, and Pashmina shawls sold online are frequently not made from genuine Kashmiri cashmere at all. Because GI rights are territorial, they generally protect only within India (or wherever they've separately been registered abroad), and this limitation was placed under an unusually public spotlight in 2025. In June of that year, the high-end fashion label Prada exhibited leather sandals as part of the Spring/Summer 2026 menswear line at the Milan Fashion Week that bore a very close resemblance to the traditional Kolhapuri chappal, a GI-registered item by artisans in several districts of Maharashtra and Karnataka together in 2019, while failing to acknowledge its source or the craftsmen behind its making for generations, not to mention pricing the footwear much more expensively than the craftspeople normally do. The resultant uproar culminated in a Public Interest Litigation in the Bombay High Court calling for recognition of the said GI infringement along with compensation for the communities concerned. In its turn, the Court rejected the PIL as not being within the jurisdiction of proceedings of such kind and ruled that it was a statutory rights issue which should be dealt with through regular legal channels. Thus, there was a genuine lack in the legislation: while the Indian GI legislation prohibits the sale of Kolhapuri products out of the specified territory, there is no provision for preventing any other company from simply reproducing the design and selling it abroad under another brand name – which makes any credit.

Labour Law: A Sector Under Reform

Garments and textiles manufacturing industry can be viewed as the point where fashion law intersects with the most extensive regulatory overhaul in India's history over the last several decades. Until November 21, 2025, the industry had been regulated through a combination of 29 individual labour statutes under the central government. On that day, the government introduced four consolidated Labour Codes that were enacted – the Code on Wages, Industrial Relations Code, Code on Social Security and Occupational Safety, Health and Working Conditions Code.

As far as the garment and textiles industry goes, the new Labour Codes provide minimum wage protection to all textile workers irrespective of their employment category, introduce national floor wages that would decrease migration based on wage differences across the country, ensure every employee receives a written appointment letter, and grant equal benefits to fixed-term employees as permanent employees (such as gratuity after one year of service). The new legislation also provided greater protection for women workers, such as the right to

work at night shifts if they agree to it and ensure safety measures. However, there are actual cost implications for employers due to increased statutory contributions as a result of a new requirement that basic salary must be half of total compensation, like provident fund and gratuity for many companies.

The significance of these changes extends much further than paperwork alone. India's garment exports faced tough times in 2025 due to U.S. tariff increases on its garments that disturbed the flow of trade, leading to job losses and migration from factories of many labourers, while still resulting in some annual growth in exports. A sector as vulnerable to both external trade disturbances and internal wage control measures is where fashion law overlaps with labour law in practice, and legal advisory services may continue to expand as the new codes come into effect in each state.

Consumer Protection and Online Shopping

With the Indian fashion industry going online, consumer protection laws have also gone online in tandem. False listing, selling counterfeits in the guise of genuine goods, and false representations regarding materials used or product origins are increasingly common subjects in cases of consumer protection laws of India, along with intellectual property laws. GI-tagged products are particularly susceptible in such an environment - a Pashmina shawl or Kanchipuram saree listed on an online shopping site can easily be falsely represented, because any action would depend upon the notification by the impacted artisan guild or the online shopping website itself, and not any check on purchase.

An Emerging, Yet Growing, Discipline

Fashion Law is not a deeply established discipline in India in comparison to the U.S. and Europe. While there isn't an institutionally entrenched fashion law institute associated with a major law school in India, there aren't any Indian fashion brands that establish legal expertise until a need arises in terms of dispute resolution. Nevertheless, there is considerable growth of fashion law in India. There are fashion law certificate and diploma programs in some Indian law schools and universities, as well as the offering of IP, contracts, and international trade law electives with cases related to fashion industries. The possible career opportunities in the field involve in-house counsel positions at fashion and textiles firms, IP litigation and prosecution, GI advisories to artisan cooperatives and state entities, and labour compliance consultancy.

At the same time, the NIFT remains the major institution in training in the design, merchandising, and management aspects of the fashion industry, although it does not provide legal education and its alumni constitute the majority of the brands that a fashion lawyer advises.

The Way Forward

In fashion law in India, there exists a certain paradox that seems to be uniquely characteristic of this country: an incredible heritage-textile tradition that is recognised by the country's IP

laws but not adequately protected, an enormous and labour-intensive manufacturing industry undergoing the greatest regulatory reform in years, and rapid growth of both traditional retailing and online commerce that leaves enforcement behind. There is no legislative measure that could solve any of these issues on its own, since India has yet to enact the fashion law statute and it does not seem likely that the measure would be enacted soon. But one thing is clear: as Indian companies expand internationally and international companies seek inspiration in India, these legal issues will only increase in importance.