



**London 2019**

**Lunch 2:  
IP in fashion: iconic products, influencers,  
greenwashing and design lifecycles**

This lunch session will cover new and developing IP issues arising in the fashion industry, with a particular focus on British fashion brands.

The session will be centered on how IP issues arise during the lifecycle of a product in the fashion sector. This involves consideration of how IP is dealt with at the outset at the design stage (e.g. in the choice of materials and fabrics), during the design process and also how IP protection continues post-launch (e.g. when products are promoted using influencers).

The panel will consider what measures can or should be taken to protect iconic products that require greater protection due to the extensive counterfeiting and piracy that iconic products are subjected to. In particular, where iconic products create a trend that others follow, this panel will consider to what extent is it legitimate to follow the trend and make products with a similar ethos, echoing the design of the iconic trend-setter.

Concrete examples of product launches will be used as case studies to examine the IP protection necessary to counter the flood of counterfeits that follow. The level of IP protection available in particular key jurisdictions can be instrumental to the effective control of counterfeit products.

The panel will also touch on misleading marketing and unfair competition issues where relevant to or linked with the protection of IP. “Greenwashing” is understood as the misleading marketing and promotion of green-based environmental initiatives with the goal of increasing sales, without actually implementing practices that minimize environmental impact in the manufacture and sales of goods. For example, clothes may be falsely labelled as “organic” so as to increase sales. Greenwashing may amount to unfair competition, and might also be conduct that is barred under consumer protection legislation such as the EU’s Unfair Commercial Practices Directive.