



ALLIANCE
FOR INTELLECTUAL PROPERTY

British Fashion in the Global Marketplace Event
Tuesday 13th November 2018
18.00 – 19.30
Parliament

Earlier this week the All Party Group for Intellectual Property and the All Party Group for Textiles & Fashion held a joint meeting to discuss the topic 'British fashion in the global marketplace'.

The meeting was jointly chaired by Pete Wishart MP, Chair of the APPG for Intellectual Property, and Dr Lisa Cameron MP, Chair of the APPG for Textiles & Fashion, and featured an expert panel with the following members:

- Dids Macdonald, CEO, Anti-Copying In Design
- John Greager, Commercial Litigator and IP lawyer
- Ahlya Fateh, Managing Director at Amanda Wakeley
- Samuel Young, Deputy Head of Policy and Public Affairs, Creative Industries Federation

The meeting began with a welcome and introduction from Dr Lisa Cameron MP, who told the panel and audience that issues around fashion were often overlooked in Parliament and by Government. She said that this should not be the case and told the room that MPs needed to hear more from the fashion industry in order better understand the value that it delivers to the UK economy and to be able to table pertinent, effective questions of Government.

Dids Macdonald, the CEO of Anti-Copying In Design (ACID) then spoke. She stressed the importance of design protections, reminding the room of the contribution the British fashion industry makes to the economy – and saying that the industry employed one and a half million people in the UK.

Dids told the room that the fashion and design industry needed to be at the forefront of Britain's trade negotiations on intellectual property. She said that global online infringement was on the rise, noting the role played by social media companies and stressing the need for industry engagement with them. Dids also said that fashion firms needed to become 'IP savvy' and create practical IP strategies that allow them to challenge people and organisations that infringe on their brands, rights and designs.

On Brexit, Dids noted that a survey carried by ACID had shown that there was deep industry concern about the future. She said that a large number of those in the design community

rely on unregistered design rights – and that a situation in which the current regime did not continue could be calamitous for industry.

Dids raised the potential impact on London Fashion week if reciprocity on unregistered design rights is not secured as part of Britain's exit from the European Union, saying that there was deep concern within the fashion industry. She told the room that ACID was exploring options for ensuring that unregistered design rights can still be secured after Brexit, perhaps through an online platform. She concluded her remarks by encouraging designers to ensure that their designs are registered ahead of Britain's EU exit in March.

Ahlya Fateh, the Managing Director at Amanda Wakeley, then spoke. She told the room that her company constantly monitored for infringements of their IP. Ahlya explained that copycat products can be brand damaging, saying that the issues around fashion IP had changed significantly since the emergence of the smart phone and fast fashion meant that a designers' vision could be on sale before the original version had even gone into production.

Ahlya told the room that IP exists to protect creativity. She gave the room insight into the pipeline of new designs, explaining that in fashion businesses' design processes often conclude up to eighteen months in advance of products appearing in shops. She said that because of this it was difficult for brands to ensure that the materials that they use are truly exclusive, telling the room that fashion brands now spent much of their time firefighting – and saying that it had become more and more difficult to police fabric mills.

On Brexit, Ahlya said that new costs had already become apparent and that it was challenging for business to carry on their business as usual with so much uncertainty around the future. She noted in particular the uncertainty about arrangements ahead of London Fashion Week, noting that designs will be shown in February 2019 before going to market in March – when Britain will have left the European Union.

Concluding her remarks, Ahlya said that industry needed to be as proactive as possible when it came to enforcing the protection of their IP rights as well as looking to ways to monetise their IP. She encouraged designers to react fast, to work with lawyers, to register IP where it hasn't been already, and to report and challenge others where they try to copy designs.

Harold Tillman CBE then delivered brief remarks to the room, explaining that it would never be possible to eradicate people who copy and steal designs – but making clear that they should be challenged. He raised the question of how design rights would be protected once the UK leaves the EU, asking whether there was something the Government could do.

This prompted Jack Karet from the Department for Digital, Culture, Media & Sport to explain that the Government would be making money available to designers in order to allow them to protect their designs. He explained that further detail on this would be provided in due course.

John Greager, a commercial litigator and IP lawyer, then spoke to the room. He said that 'fast fashion' had all but destroyed what used to be the general cycle of fashion and said that this had placed intense pressure on retailers.

He told the room that that most valuable assets that fashion companies have are their brands and their designs, explaining that without brands and designs fashion would not exist. Greager went on, telling the audience that his advice to those in the industry is that they should learn about what IP law is and how it works. He explained that design is a combination of design and copyright, and stressed the importance of understanding the difference in order to be able to effectively challenge infringements of rights.

On Brexit, Greager said that the EU's Customs Union is hugely important for intellectual property rights - something that few people seem to understand. He explained that if Britain doesn't secure a satisfactory deal then a situation could quickly arise in which customs officials will be able to stop the passage of partly or completely finished items between the UK and the EU where they suspect intellectual property rights are being breached. Currently, such goods flow freely between the UK and the rest of the EU; but if there is 'no deal' then that free movement will stop.

Greager concluded his remarks, telling the room that Brexit could be disastrous for Britain's fashion industry if the implications for the industry are not properly considered by Government.

Pete Wishart MP, Chair of the APPG Intellectual Property, then spoke briefly. He noted the Government's publication of technical notices related to intellectual property earlier in the year, telling the room that these were not particularly illuminating.

Wishart went on to talk about the Digital Single Market, saying that this had been critical for the creative industries and that not being part of it could be a real problem for industry after Britain's exit from the EU. He concluded his remarks by stressing that British creators and investors need protection for their intellectual property.

Samuel Young, Deputy Head of Policy and Public Affairs at the Creative Industries Federation, was the final member of the panel to speak. He told the room that Brexit was a huge challenge for the creative industries, noting that the UK has a world leading IP framework and saying that it was important for this to be protected into the future.

Young explained his view that a failure to secure a reciprocal agreement on unregistered design rights could have a major impact on Britain's global reputation. He said that Britain's fashion industry had last year contributed £27bn in GVA. Concluding his remarks, Young said that it was imperative the brakes not be put on Britain's fashion industry – something which he said was a possibility if IP was not properly considered as part of Britain's exit from the EU.

The meeting concluded with a discussion about the importance of design rights, both registered and unregistered. A general consensus emerged that there is a disparate level of knowledge and understanding across Britain's fashion industry when it comes to IP – and

that this sometimes made it difficult for designers to effectively enforce their rights. On this point, John Greager, told the room that designers needed to ensure they understood the system – and that they should make clear to those infringing their rights that they will be challenged all the way up the supply chain – even if it won't be possible to actually take this action.