

TRADEMARKS AND FASHION

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1. The need of trademarks for the fashion sector


The need of trademarks for the fashion sector

- In today's world, trademarks and IP rights are vital for any company willing to become well-known national or international wide.
- That need to have your rights filed in the markets you are operating is even more important in the so-called "fashion sector": garments, shoes, jewellery and leather goods and other accessories.

The need of trademarks for the fashion sector

- With thousands of dressmakers, tailors and designers, with an environment of a chaotic world of advertisements and social media, the only way for a product or a designer to become distinctive and to reach and gain the consumer – at national or international level – is to bet on your trademark and design...and protect them in those markets where we distribute them!
- Otherwise, how could a potential client buy the products of a particular designer once and once again?

The need of trademarks for the fashion sector

-  Fashion has its particular features, mainly, a tremendously fast cycle from designing to the shop. If your creations are not protected through IP rights, anybody could lawfully copy them.
- Due to the frantic cycle of designing, producing, distributing and selling fashion, protecting the trendy product through the filing of your trademark and/or your design makes the fashion company be in a safer position to counteract against those who try to infringe your rights through copying their physical appearance or by using a similar or a confusing trademark.

2. The economic impact of trademarks for the fashion sector

Relevance of fashion for economy

- ➡ For an economy like the Spanish one, fashion sector plays an important role.
- ➡ Fashion has a high component of creativity and design, but, above all, it has another important feature: it is a robust industry, that dynamizes other second-industrial sectors.

Relevance of fashion for economy

Spanish fashion industry is quite miscellaneous:

- Textile companies established worldwide.
- Individual dressmakers

Haute couture

Jewellery *ready-to-wear*

Leather products

Children clothes

Shoes

Fast-fashion

Luxury jewellery

Fur coats

Wedding dresses

Relevance of fashion for Spain´s image

- Spanish fashion industry can be found in 90 countries of the 5 continents, due to the combination of a great design and an extraordinary quality-cost relationship.
- ➡ Fashion is a great vehicle to show a positive image of Spain: fashion is one of the most important means to communicate the so-called “Marca España”

Relevance of fashion

Those companies and tailors who are present in the most important marketplaces –New York, Paris, Milán, Mexico DC, Abu Dhabi, Shanghai- know how important is to have their trademarks and designs filed to protect them against copies in those markets.

Relevance of trademarks in the Spanish fashion rise

- To which extent trademarks in fashion are relevant in that rise of the Spanish fashion and in its tendency to gain new international markets?

Research commissioned by the Spanish Office of Patents and ANDEMA to the University of Alicante

Impacto de las marcas en la economía y sociedad españolas

Resumen ejecutivo



Criteria



Employment created by trademarks in fashion

- During 2010, the employment created by companies selling fashion products traded with a trademark amounts to **52.870 employees** in the shoe and textile industry.

GDP created by trademarks in fashion

- The GDP attributable to trademarks in the shoe and textile sectors amounts to **2.317 millions of euros.**

Taxes provided by trademarks in the shoe and textile sectors

- Trademarks in the shoe and textile sectors pay taxes that amount to 733 millions of euros.

Contribution to Social Security provided by trademarks in the shoe and textile sectors

- Trademarks in the shoe and textile sector provide contributions to Social Security that amount to **652 millions of euros**.

Investments in Research and Development by trademarks in the shoe and textile sectors

- Investments of Research and Development attributable to trademarks in fashion amount to **34 millions of euros**, the number of fashion companies investing in R+D amount to **95 companies, employing 454 persons.**

Investments in publicity by trademarks in the shoe and textile sectors

- Investments in publicity by trademarks in the shoe and textile sectors amount to more than **40 millions euros**.
- Those investments are equivalent to 1% of the whole investment in publicity made by any industry trading their products with a trademark.

3. Fashion and fakes

Fake fashion products

- The sale of fakes is one of the most important challenges for fashion nowadays.
- Since the beginning of this criminal activity (at the 80's), fashion products have constantly been the most demanded fake products by consumers.
- Statistics by Police and Customs show that seizures of fake products is always led by fashion items: garments, jewellery and clothes and leather goods.

Research on the Behaviour of Consumers on Fakes”, made by the Research Department of the Spanish High Council of Chambers of Commerce, commissioned by the Spanish Office on Patents and Trademarks and ANDEMA.

LA ACTITUD DEL CONSUMIDOR ANTE LAS FALSIFICACIONES

SCOMPRASFGRIJOLASDLAGIMITACION
DFECONOMIALASDFGHIJALASDFGHIJO
ASDFGHIJOLASDFGWIJULASLEGALITAS
FGCONSUMODFGHCOPIALFSDFGHIJIO
ASDFGHIJOLASDFGHIJOLASDFGHIJ
LASDFPIRATERIAHIUOLASDFGHIJOLAS
FALSOASDFGHIJOLASDFGHIJOLAS



Typology of most demanded fake products

¿QUÉ productos falsificados compran los consumidores de falsificaciones?

(% individuos que consumió falsificaciones en cada tipo de producto
s/ total de individuos que consumió falsificaciones)

Artículos de vestir	68,5%
Perfumería y cosmética	35,8%
Marroquinería y complementos	35,2%
Artículos y prendas deportivas	34,0%
Calzado	26,5%
Relojería, joyería y bisutería	24,7%
Equipos audiovisuales, fotográficos, ordenadores y accesorios	10,5%
Productos de limpieza	8,6%
Tabaco	7,5%
Equipos de telefonía	7,4%
Juguetes	7,2%
Alimentos y bebidas no alcohólicas	6,9%
Bebidas alcohólicas	4,9%
Aparatos electrodomésticos	3,7%
Accesorios de automóviles	3,1%
Medicamentos y productos farmacéuticos	0,9%

Table 4: Fakes demands in 2012, according to product typology.

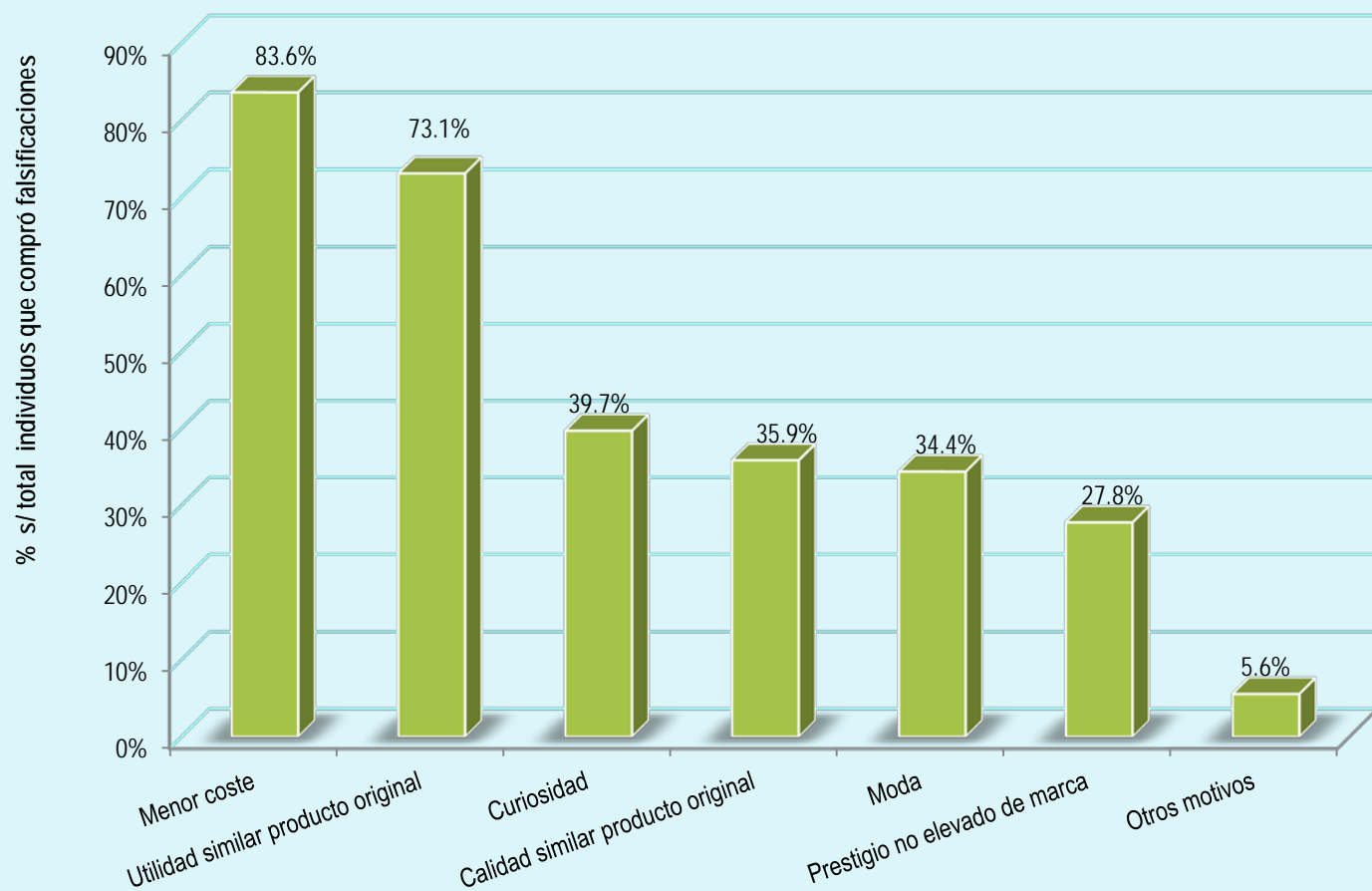
% individuos que consumió falsificaciones y % que confirma que gente de su entorno cercano consumió (s/ población total)		
	Individuo	Entorno
Artículos de vestir	8,5%	23,3%
Perfumería y cosmética	4,4%	17,4%
Marroquinería y complementos	4,4%	16,3%
Artículos y prendas deportivas	4,2%	14,2%
Calzado	3,3%	11,8%
Relojería, joyería y bisutería	3,1%	12,7%
Equipos audiovisuales, fotográficos, ordenadores y accesorios	1,3%	6,7%
Productos de limpieza	1,1%	2,0%
Tabaco	0,9%	2,6%
Equipos de telefonía	0,9%	3,9%
Juguetes	0,9%	3,4%
Alimentos y bebidas no alcohólicas	0,8%	2,0%
Bebidas alcohólicas	0,6%	1,8%
Aparatos electrodomésticos	0,5%	1,5%
Accesorios de automóviles	0,4%	2,4%
Medicamentos y productos farmacéuticos	0,1%	0,3%

Table 13: Average expenditure on fake products.

	€/ persona
Aparatos electrodomésticos	204,9
Tabaco	163,3
Artículos de vestir	108,8
Alimentos y bebidas no alcohólicas	105,4
Equipos audiovisuales, fotográficos, ordenadores y accesorios	89,4
Equipos de telefonía	85,0
Accesorios de automóviles	74,2
Artículos y prendas deportivas	64,7
Bebidas alcohólicas	64,4
Perfumería y cosméticos	62,7
Relojería, joyería y bisutería	59,7
Calzado	51,0
Juguetes	46,1
Productos de limpieza	44,5
Marroquinería y complementos	42,5
Medicamentos y productos farmacéuticos	36,0

**389,4 euros in
fake fashion
products**

Graph 5: Principal reasons to buy fakes



- Research

“European citizens and Intellectual property: perception, awareness and behaviour”

www.oami.europa.eu



The European consumer and fakes

Research on *“European citizens and Intellectual property: perception, awareness and behaviour”* by the European Observatory on the Infringements of the Intellectual Property Rights

- ☐ 34% of Europeans consider that buying fake products could be justified if the purpose is to save money up.
- ☐ 38% of Europeans consider buying fake products as a protest action against the market economy.
- Eurostat Research:
 - ☐ 33% of Europeans consider acceptable to buy fake products when the price of the original product is high.

- Fakes are a great disincentive for creativity, innovation and design.
- Trademarks and designs' rightowners have a lot of expenses to produce their items – salaries, social security, taxes, innovation process... – that are save up by fakers.
- The mere copy of external features –with no resort to quality of raw materials- at nearly zero cost, with no quality product controls, make fake products cheaper and easy to buy by consumers.

How to combat fake fashion products?

- A high degree of cooperation between private and public sector:
 - Trademarks and designs' rightholders
 - Market places
 - Police
 - Customs
 - Judges

A higher level of consumer awareness is absolutely required, for which awareness campaigns based on the negatives impact of fakes for employment, tax collection and investment in innovation should be carried out more often.

How to combat fake fashion products?

- A more implication on the side of community managers and bloggers to recommend not to buy fakes on the Internet.
- A more implication of marketplaces (Alibaba, Amazon, Ebay) to reject the sale on their webpages of fakes.
- A more implication of intermediaries: credit cards companies, couriers, transport companies....



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Thank you!!!