

# Fashion & Textile Design

Research and Communication Skills

# Copyright & Plagiarism

# TASK 4

Look for 3 kinds of appropriation and discuss.

These can be seen as:

- Building on the original
- Taking inspiration from the original
- Remixing it
- Satirizing it
- Commenting on it



[http://www.ted.com/talks/  
johanna\\_blakley\\_lessons\\_from\\_fashion\\_s\\_free\\_culture.html](http://www.ted.com/talks/johanna_blakley_lessons_from_fashion_s_free_culture.html)

# WHAT IS IP?

Intellectual Property is the collective term for the rights arising under the law relating to Copyright, Unregistered Design Rights, Registered Design Rights, Patents, Trade Marks, Passing Off, Utility Models and the Law of Confidence. Intellectual property represents original work that can be legally protected.

## **You pay for:**

Registered Rights – Patents, Trade Marks, Registered Designs

## **You do not pay for:**

Unregistered Rights – Copyright, Designs, Trade Marks, Intellectual Capital, Know How, Ideas, Confidentiality

# Rachel Taylor and Marks and Spencer



# Rachel Taylor

“I'm a posting this today as I understand the importance of standing up for yourself as a designer & your intellectual property rights... to not be scared... to speak out & protect what's rightfully yours.

I have received numerous emails lately from concerned clients, customers & supporters of my work. It appears that British superstore Marks & Spencer have a design that is well... what can I say... more than 'strikingly similar' to my 'Etched Floral' hand drawn original design (first published in 2008).

It's one of my signature designs & I just want to point out that I never granted permission for Marks & Spencer to use my design...

My 'Etched Floral' design has been a key print for my brand & has been sold successfully on my own branded products along with achieving international success as a licensed design throughout the UK, Europe & the USA”.

<http://rachaeltaylor designs.blogspot.co.uk/>

# Copyright is an automatic right...

...and arises whenever an individual or company creates a work. To qualify, a work should be regarded as original, and exhibit a degree of labour, skill or judgement.

Interpretation is related to the independent creation rather than the idea behind the creation.

For example, your idea for a book would not itself be protected, but the actual content of a book you write would be. In other words, someone else is still entitled to write their own book around the same idea, provided they do not directly copy or adapt yours to do so.

Ethiopian National Costume



Mark Jacobs





## MARC JACOBS ACCUSED OF PLAGIARISM



A Swedish man by the name of Göran Olofsson has accused Marc Jacobs of plagiarising his father's traditional scarf. The scarf was created in the village of Linsell in the 1950s and Göran believes he owns the rights to the design.

Göran's father died in 1982 but up until then he ran a gas station where he sold homemade souvenirs. It's presumed that at some point the scarf made it's way to the world of Marc Jacobs where he ran off with the design plane. So far Jacobs has yet to comment. Göran told [The Local](#) "I was very surprised when I saw the new scarf. It looks like a clear case of plagiarism."

Last December, designer Matthew Williamson was forced to defend himself after he was accused of replicating the Ethiopian national costume for his spring/summer '08 collection.

Rosa Pomar's original toy



Oilily's copy



OPENWOUND FX

OW



OPENWOUND FX

OW



**PAINTED!**

**GARTERED LEGS**

NEW ARRIVALS | CLOTHING | T-SHIRTS | DENIM | ACCESSORIES | SHOES | MUSIC | POP CULTURE | SALE | FEATURES

SHOW  

HOME > DEALS > Halloween

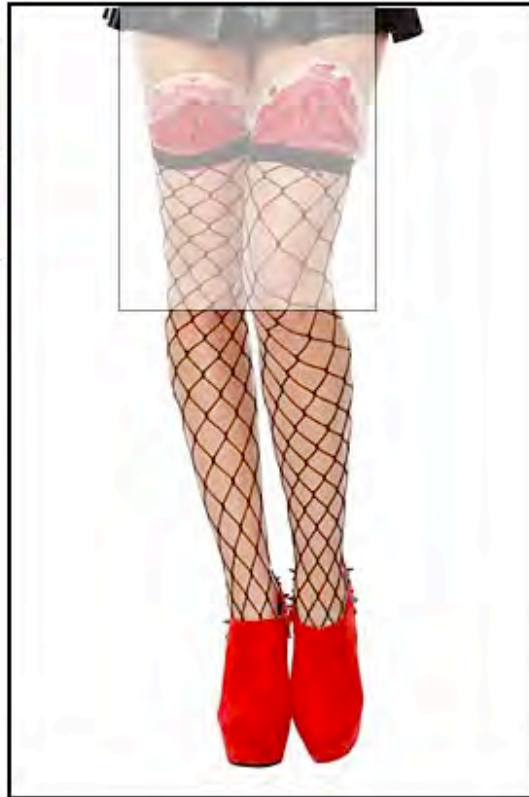
- CLEARANCE
- BLACKHEART BEAUTY
- DENIM
- TEES & TANKS
- BODY JEWELRY
- FASHION JEWELRY
- SUNGLASSES
- HAIR EXTENSIONS
- HALLOWEEN**
- HOODIES
- HAIR DYE



VIEW ALL HALLOWEEN

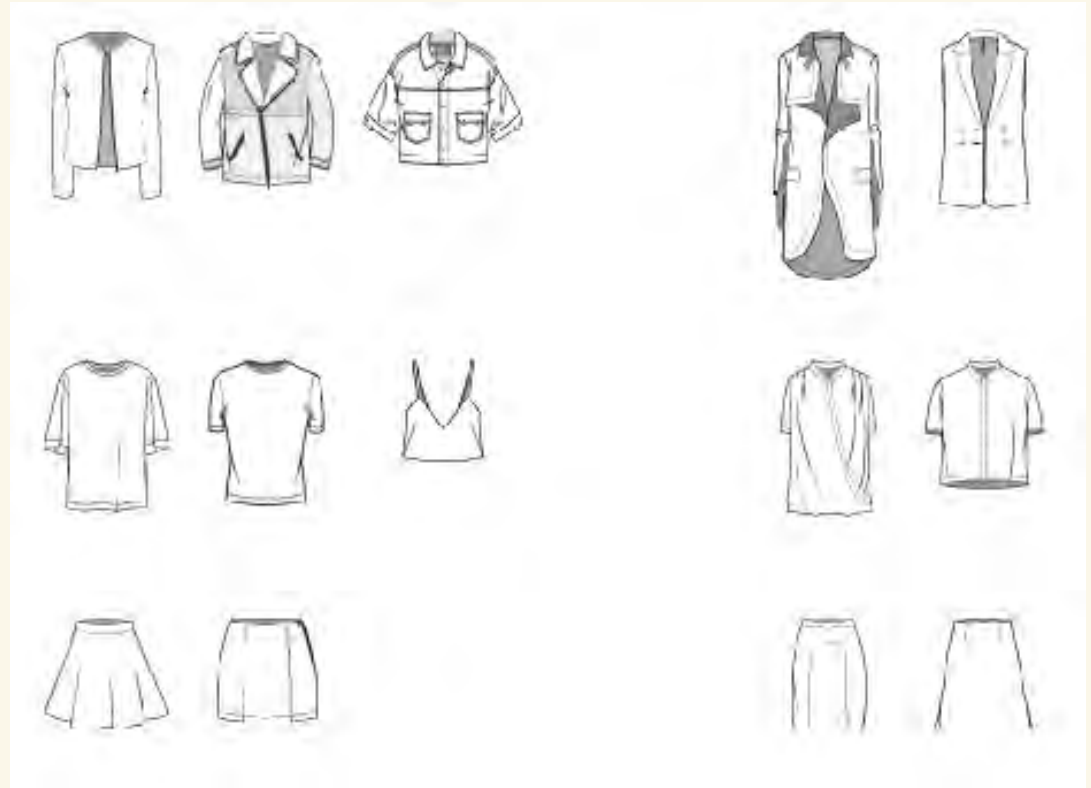
<< PREV

NEXT >>



**As a student don't copy a design from another source even if it is free to use for commercial use.**

1. If you credit the original design but still use it it is evident that you have not used your own design skills.
2. If you do not credit the design you run the risk of being charged with plagiarism



WGSN.com

# Protecting your work

*There are many actions you can take to protect your work online. While not all will be 100% successful, they will definitely tip the scales in your favour.*

**Copyright disclaimers** – Consider posting a notice of copyright or “all rights reserved” on your website where visitors can see it along with a statement describing the illegal nature of stealing your work. It may not stop every perpetrator, but it will notify those who are unaware of copyright laws about stealing content and also scare others into submission. It’s similar to posting an alarm sign in front of your house to deter thieves from entering. Even if you don’t have an actual alarm system, the thought of possibly getting caught is enough to deter them.

**Watermarks** – Watermarks are a good deterrent and can prevent people from stealing your images. Designers typically do not like changing the look of their designs with watermarks, but many feel they are the best deterrent to theft. Some resort to a small signature and website logo on the bottom of the design as well.

**Low Resolution-** Low resolution pictures where the image pixilates when blown up allows work to be seen but doesn’t allow it to be copied successfully.

Source: <http://designmodo.com/protect-design-work/#ixzz2KsmKR1kD>

# Sharing your work for others to use

## What is Creative Commons? Or CC

It is a non-profit organization that enables the sharing and use of creativity and knowledge through free legal tools.

It's free, easy-to-use copyright licences provide a simple, standardized way to give the public permission to share and use your creative work — on conditions of your choice. CC licenses let you easily change your copyright terms from the default of “all rights reserved” to “some rights reserved”

Creative Commons licenses are not an alternative to copyright. They work along side copyright and enable you to modify your copyright terms to best suit your needs.

[www.creativecommons.org](http://creativecommons.org)  
<http://creativecommons.org/videos/wanna-work-together>

Original drawing



Student's pattern





Original drawing



Student's pattern



Original drawings



Student's website



# A sad student story see images above

Lauren Nassef an illustrator from Canada was alerted through her blog that a UK student had stolen her drawings and used them in her own work.

The student went on to win a major prize from Texprint on the basis of this work which she claimed as her own.

It was alleged she used over roughly 23 drawings and 31 tiny object drawings that are part of larger objects.

As the blog conversation regarding the matter in which she was completely vilified continued online it was alleged by one blogger that she used not only her work also but that of two other artists

Consider how the internet works both ways here: 'it makes it easy for the thief to steal, and it makes it easy for the thief to be identified and tried'.

# Who to go to for help

ACID (Anti Copying In Design) is a membership trade organisation providing help, advice and support on Intellectual Property (IP) to its members.

ACID has championed design and spearheaded campaigns to bring design and IP issues to the fore.

<http://www.acid.uk.com/about-acid.html>

## ACID's Frequently Asked Questions

# How do I register my copyright?

You can't

In the UK copyright arises automatically upon the creation of a work in a tangible form (e.g. a design drawing); there is no requirement for registration.

# Where can I patent my design?

You can't unless you have created a new and inventive product or process.

The relevant form of protection for most designs is UK Design Right which protects the shape and configuration of the design and unregistered Community Design Right which protects the shape, contours, lines, colours, texture and ornamentation of a design.

Design rights arise automatically but, for stronger protection, a Registered UK or Community design can be obtained for a payment of a fee.

**If someone makes seven changes or a certain percentage change to a design it becomes a new design!**

Wrong!

It is not the number or percentage of changes that somebody makes to your design but the importance of the elements which they have taken from your design which decides whether they have infringed your rights in your design.

This will always vary from case to case.

**Registering designs is useless  
because if you make one slight  
percentage change in the design  
the registration is invalid**

Wrong...

because the test for whether a design infringes a registered design is whether it creates the same overall impression as the registered design on the informed user.

It is not simply about counting the number of elements of the design which have been reproduced or changes which have been made to it.



# **My freelance designer doesn't have any claim to the rights in my design!**

They might because if they produce a design for you, you will only own any UK unregistered design right which might subsist in the design.

There may be other IP rights in the design which you do not own, such as copyright and unregistered Community design right.

If you want to own all the intellectual property rights, the best plan is to ask the freelance designer to assign these to you in a written agreement, preferably before they do any work.

**If I do not include the ©2009{ now 2013} (name) notice on my work I will not benefit from copyright protection**

Not true! In the UK copyright arises automatically when you record your original work in a tangible form. However, it is wise to include such a notice because it notifies others that you are claiming copyright in your work.

# Everything on the Internet ‘public domain’ and free to use

This highlights a common misunderstanding about what is meant by ‘public domain’ when referring to copyright work.

A work will fall into the public domain once copyright expires, this will typically be many years after the author’s death. While work published on the Internet may be publicly accessible, it is certainly not in the public domain.

From a presentation by Adam Procter

**It's OK to use copy or publish other peoples work if I don't make any money out of it.**

No

From a presentation by Adam Procter

# UK Copyright Law

## Fact sheet P-15: Designs and design rights

Issued: 29th July 2004 Last amended: 29th July 2004

Designs may be subject to three types of protection, copyright, unregistered design rights and may also be registered nationally as registered designs. The actual details of design rights will vary depending on national law. Please see your national patent office for specific details.

### **What is a design?**

The appearance of a product, in particular, the shape, texture, colour, materials used, contours and ornamentation. To qualify as a new design, the overall impression should be different from any existing design.

### **Who owns the design right?**

Typically the creator of the design owns any rights in it, except where the work was commissioned or created during the course of employment, in which case the rights belong to the employer or party that commissioned the work.

### **Unregistered design rights.**

Unregistered design rights protect the shape or configuration of a marketable (or potentially marketable) product, and are used to prevent unauthorised copying of an original design. Design rights can also be bought, sold or licensed in a similar manner to copyright.

Design rights exist independently of copyright, while copyright may protect documents detailing the design as well as any artistic or literary work incorporated within the finished product, the design right focuses more on the shape, configuration and construction of a product.

# **Plagiarism in written assignments**













**Blackboard**



**Turnitin**



When you submit a written assignment it is checked for 'matches' by Turnitin

What does 'eco fashion' to you?	44%	
Select a work of art or visual cultural ...	38%	
Contemporary Issues Essay	37%	
Essay	36%	
I will argue the covers of Vogue magazin...	36%	
Contemporary Issues, Fashion/Textile des...	34%	
CONTEMPORARY ISSUES ESSAY	33%	
"I shop therefore I am", discuss the rel...	33%	
Contemporary issues Graphic Arts	32%	
Contemporary Issues: Fashion and Textile...	32%	

The tutor assessing your written work can see how much of the assignment matches with other sources.



At that time, in the early nineties, that the seeds of sustainable fashion were sown and the concepts of recycling and environmentally friendly fabrics began to grow. The designer who born at Malian is Lamine Kouyaté, he was repurposing flea-market finds plaids, Lycra dresses, old pantyhose, and make them into new creations, because his behavior be popular, therefore, in Milan, Giorgio Armani, the maestro of the suit, would begin experimenting with hemp, weaving it into his lines.

But a new trend would be slow to take root. First, there is a big challenges of eco fashion, and another major issue was the style factor.

For as time passes, people starts to accept this movement, that spring, the designer Anya Hindmarch became a noteworthy arbiter of eco-cool when the English movie ingenue Keira Knightley was spotted carrying a cream-and-brown Hindmarch tote emblazoned with the slogan "I'm Not a Plastic Bag." The retro-looking shopper sold out within hours in London and New York and triggered a stampede in Taiwan. The reusable-bag trend was launched.

1988, Antwerp designer Martin Margiela's first collection, for spring 1989, features a leather butcher's apron repurposed into an evening gown...

2001, October: Former Chloé designer Stella McCartney launches her own line, which becomes known for animal-friendly (no leather, no fur) policies...

2007, April: All 20,000 of designer Anya Hindmarch's cream-and-brown shopping totes, emblazoned with the slogan "I'm Not a Plastic Bag," sell out within an hour in London...

2010, February: New York Fashion Week goes green, with a new carbon-neutral policy involving the purchase of carbon credits to offset all CO2 emissions. Sustainable fabrics are widely seen, and water fountains installed in an effort to banish plastic bottles.

2011, March: Vogue and Christie's team with sustainable-fashion designers to create a runway to green for a short time.

## Match Overview

1	<a href="http://www.vogue.com">www.vogue.com</a> Internet source	13%
2	Submitted to Universit... Student paper	10%
3	<a href="http://www.greenconduct.com">www.greenconduct.com</a> Internet source	3%
4	<a href="http://www.mb.com.ph">www.mb.com.ph</a> Internet source	3%
5	Submitted to Universit... Student paper	2%
6	<a href="http://www.crisptshirtprintin...">www.crisptshirtprintin...</a> Internet source	2%
7	<a href="http://www.theecologist.org">www.theecologist.org</a> Internet source	1%

They can also see which area of your assignment matches with another source and what that source is.

“Albert Chanel” married “Jeanne Develle”. In 1895 when Chanel was only twelve her mother died of bronchitis leaving her father to send her away to a religious orphanage where Chanel was taught how to sew. When Chanel was eighteen she began to look for work and was offered a job as a seamstress. In her spare time Chanel sang in a cabaret and later made a stage debut singing at a popular cafe called “cafe-concert”. However, Chanel’s voice broke and her singing career became obsolete.<sup>2</sup>







One of Chanel’s private passions was a liking for ladies hats, and after her failed stage career, began to design her own range of hats. In 1910 she became a licensed milliner and opened a boutique in Paris (France) called the “Chanel Modes”. In 1912 the theatre actress, Gabrielle Dorziat, modelled her hats in the F Noziere’s play *Bel Ami*. This form of celebrity endorsement helped Chanel’s hat business to flourish. In 1913 Chanel opened another

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<sup>1</sup> See: Adie. K, *Corsets to Camouflage: Women and the War* (Hodder & Stoughton, United Kingdom, 2003) and Lewis. J. *Women in England: Sexual Divisions and Social Change 1870-1950* (Harvester Wheatsheaf, London, 1984).

<sup>2</sup> See: Thames and Hudson, *The World of Coco Chanel Friends Fashion Fame* (Thames Hudson, United Kingdom, 2005).

Example of **incorrectly referenced** writing. It is not evident which elements the student took from the book cited at the bottom of the page

iD magazine essay on how does ID magazin...	7%	
Contemporary issues - Metropolis Essay	6%	
Contemporary Issues Fashion and Textiles	12%	
How does the Paul McCarthy's practice an...	10%	
Contemporary Issues essay: ' The Fifth E...	11%	
Contemporary Issues	15%	
Vintage fashions are a way of retaining ...	20%	

These assignments show a reasonable match with other sources. This evidences that students have used other sources to inform their work

2. An example of this would be the uprise trend of shopping in charity shops which has run alongside the "Credit Crunch". However, it could be argued that many fast fashions which are mass produced are cheaper in regards to the original cost of the garment and the state of the fabric. This therefore raises the suggestion that the vintage garments are worn as a symbolic importance as opposed to an economic necessity. This symbolic importance is highlighted by Crane who states that 'in the twentieth Century, clothes have gradually lost their economic but not their symbolic importance' (2001:5,6), further supporting this notion.

broad as the garments worn. This uncertainty of what fashion truly illustrates is demonstrated by Oscar Wilde's quote cited in "Fashion, Culture and Identity", 'the true mystery of the world is the visible not the invisible' (Davis 1994:1).

Example of **correctly referenced** writing. It is evident which elements the student took from the books cited in their bibliography

# TASK 4

Look for 3 kinds of appropriation and discuss.

These can be seen as:

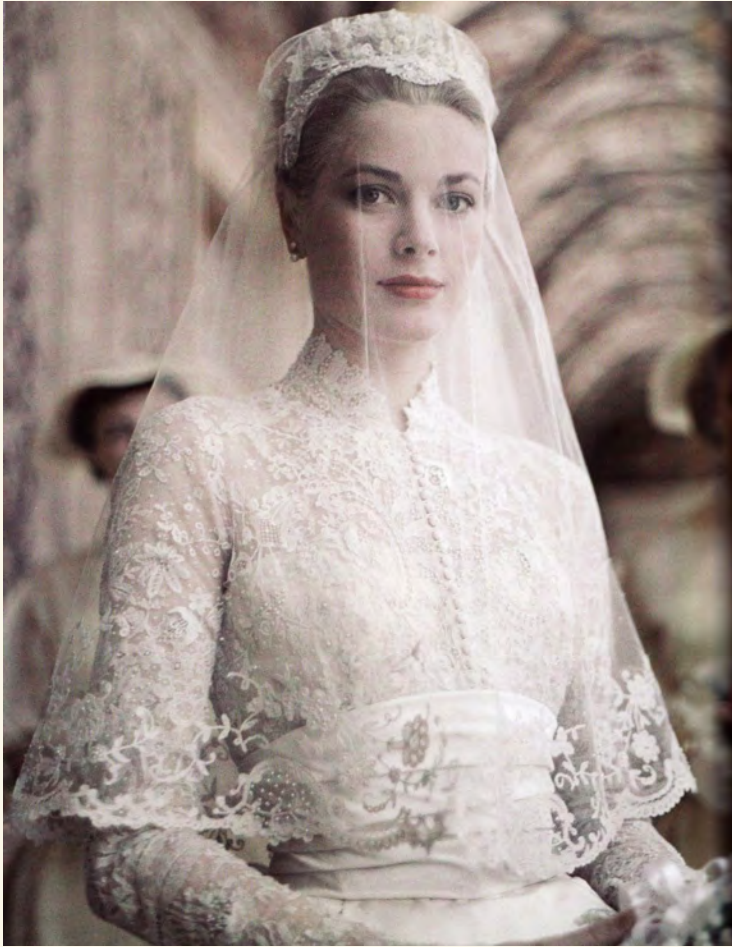
- building
- inspiration
- remixing
- satire
- commentary

# Appropriation

**Appropriation** in the arts is the use of pre-existing objects or images with little or no transformation applied to them' Chilvers, Ian & Graves-Smith, John eds., *Dictionary of Modern and Contemporary Art*, Oxford: OUP, 2009. pp. 27-28

Appropriation is often understood as using borrowed elements in the creation of a new work. In the visual arts, to appropriate means to properly adopt, borrow, recycle or sample aspects (or the entire form) of man-made visual culture. Tate Glossary

# Example: [3 kinds of appropriation below]



Helen Rose  
[coletterie.com](http://coletterie.com)



Sarah Burton  
[Vogue.com](http://Vogue.com)



Alan Hannah  
[bridesmagazine.co.uk](http://bridesmagazine.co.uk)

# **Example: [this is how I would discuss the examples of appropriation]**

For this task I wish to focus on the alleged appropriation of the wedding dress designed by Helen Rose for the actress Grace Kelly.

When Sarah Burton's wedding design for Duchess of Cambridge was revealed in 2011 a number of fashion commentators and news reporters likened the design to the dress Helen Rose created for the actress Grace Kelly. However, since there is very little evidence that Burton was inspired by the Rose dress I do not believe that this is a good example of appropriation. In addition to any evidence being only speculative the dresses are not so similar that the Burton dress has the appearance of the Rose dress 'with little or no transformation applied' to it. [Chivers et al 2009]

There is, however, visual evidence that Alan Hannah may have appropriated Sarah Burton's design in the final image. The Alan Hannah dress was released for sale at a time when there was much demand for wedding dresses that offered a similar style to that of the Duchess of Cambridge. The style and cut of the dress is very similar to the Sarah Burton dress and there is only a difference in colour and fabric choice. The timing of the sale of the dress and its style lead me to the assumption that this is a good example of appropriation.

Although the dresses in the second and third images are almost identical copyright law has not been infringed as it would be very difficult to prove the originality of the Sarah Burton dress since historically there are many dresses which contain the shape, construction and details of this dress. According to description of 'intellectual property' on the ACID website "The work must be original. The author must use his own skill to create the work, so the design must not have been copied from an existing design." [ACID.com accessed 29 October 2013]

Chilvers, Ian & Glaves-Smith, John eds., Dictionary of Modern and Contemporary Art, Oxford: OUP, 2009. pp. 27-28  
What is Intellectual Property? Published on ACID.com [publish date unknown] accessed 29 October 2013