



Oppose the Design Piracy Prohibition Act ***A Bad Design for America's Fashion Industry***

Bringing lawyers into every step of the design process

- Today, fashion designers enjoy unencumbered freedom to create new garments and shoes without.
- Under this legislation, however, designers will need to consult with a lawyer throughout the design process to ensure that every new design created could not subjectively be found at a later date to be “closely and substantially similar” to one protected in the Copyright registry.
- In many cases, lawyers will advise that designs be scrapped because they could somehow potentially be construed as “closely and substantially similar” to a copyrighted design.
- As a result, this bill will severely stifle designers’ creativity.
- Further, young, up-and-coming designers would be susceptible to legal intimidation from designing anything new at all, as they would likely not have the resources to fight a legal challenge in court.

Outlawing inspiration and creativity.

- Due to the “closely and substantially similar” prohibitions, the legislation essentially grants the first designer to file a new design a three-year monopoly on that trend or look.
- If accused of copying a protected design, a designer would have to prove his/her innocence, usually through expensive and time-consuming litigation, to show that he/she created the design independently. As a result, fresh designs would likely be scrapped in the face of costly litigation.

Preventing unrestricted use of works in the public domain.

- While the bill purports to keep all fashion designs that have existed in the past free and open for all to use, the legislation would allow the ability to copyright non-original design elements in the public domain if *arranged* in an original way.
- This contradiction alone would grant the designers who are the first to register virtual ownership rights over designs that should be available to everyone, creating even more legal liability for designers.
- Moreover, since there is no test for originality, the registry will begin to be populated with designs that from the public domain. Thus, a designer who draws upon inspiration from the public domain, can easily find himself/herself stuck in costly litigation.

Slowing down the fast-paced design process

- Due to legal reviews needed in the design process, the development of new garments for new seasons will decelerate to uncompetitive levels.
- Designers will have to focus more on the legality of their designs than their look.
- As a result, designers will be prohibited from offering consumers the variety of choices they currently enjoy today.